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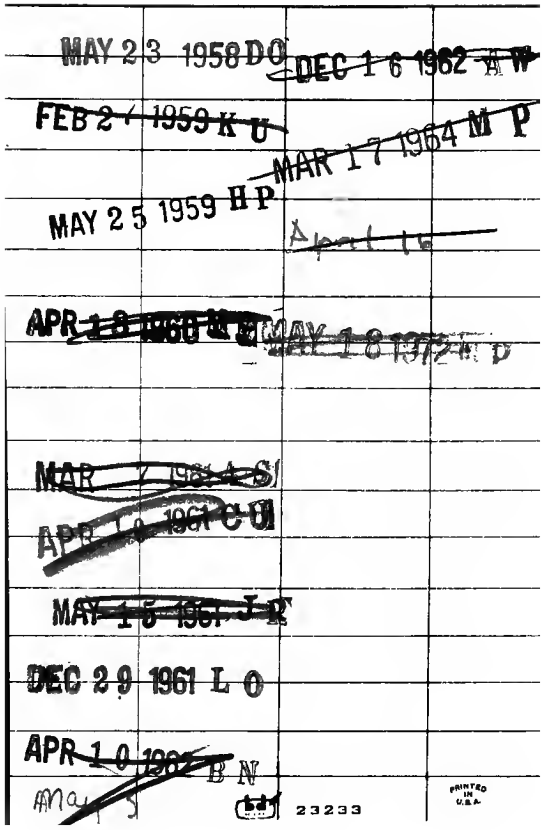


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EMANUEL JOSEPH SIEYES

*Député de la Ville de Paris*
*à l'Assemblée Nationale en 1789*
*Elu président le 7 Juin 1790*

A Paris, chez l'Auteur, Quay des Augustins N° 71 au 3e

# THE ABBÉ SIEYÈS

## AN ESSAY IN THE POLITICS OF THE FRENCH REVOLUTION

BY

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"On parlait à Sieyès du mépris qu affectent éternellement ses détracteurs pour ce qu'ils appellent les grandes théories. Les théories, dit-il, sont la pratique des siècles; et leurs pratiques sont la théorie du moment qui s'écoule."

ROEDERER, *Works IV.*, 204.

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# PREFACE

A good many years ago the late Lord Acton made a suggestion to a class of pupils at Cambridge of which this essay is the direct result. Those who know his lectures on the French Revolution will be able to measure my intellectual debt to him; only those who had the fortune to begin historical study with him as their master can understand my personal debt. They will remember long talks in his rooms at Trinity, infinite kindness towards the ignorant, loans of rare books, and letters that showed how constantly his pupils were in his mind. What I have written does not deserve to be dedicated to his memory; but I have tried to fall as little as might be short of his standard of workmanship. Much of the work was done during his lifetime; but it was laid aside and only resumed some little time ago. In connection with this later work I should like to thank especially, for services which they will recall, Professor Charles Vaughan, of Leeds, Mr. Harold Temperley, of Peterhouse, and my wife.

I have decided not to compile a bibliography either of books consulted or of Sieyès' writings. The former would serve no useful purpose. Direct obligations are acknowledged in footnotes, and it is

not necessary to make a list of all the memoir-writers who repeat some familiar story about Sieyès, or of all the modern revolutionary literature that one has turned over from time to time. That literature is so voluminous that some of it has probably been overlooked, and I have not been able to make use of a few of the most recent publications, such as M. Guyot's *Le Directoire et la Paix de l'Europe* (1911). The greater histories, from Tissot and Thiers to Taine, Sybel, Sorel and Aulard, supply the back-ground. My chief debts are to the last two. Sieyès' writings I have quoted by their titles, and I have, I think, always mentioned the speeches or reports that exist in pamphlet form. They were all read either in the Bibliothèque Nationale or in the British Museum. The Museum catalogue is the best bibliography I know, and it contains all his most important work.

J. H. Clapham.

King's College,
Cambridge,

*May*, 1912.

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# THE ABBÉ SIEYÈS

## AN ESSAY IN THE POLITICS OF THE FRENCH REVOLUTION

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### CHAPTER I.

#### SIEYÈS BEFORE THE REVOLUTION, AND THE MAKING OF HIS OPINIONS.

On June 22nd, 1836, the *Moniteur* announced that "M. Syeyes, sometime member of the Constituent Assembly and of the Convention, Director and Consul of the Republic, count and peer of the Empire, member of the Institute," had died two days earlier at his house, No. 119, Faubourg Saint Honoré. These were the titles that had come to the man whom history knows as the Abbé Sieyès[1] during more than six-and-twenty years of revolution and change, from the day he was chosen to represent Paris in the States General at Versailles to the day he entered Brussels, a fugitive regicide and Bonapartist. During the first ten years of his public life he was seldom out of office, seldom absent from Paris, never altogether without influence. Under the Consulate and Empire he remained on the stage, robed and titled and silent, discontented with his part, distrusted by the leading actor, and ageing fast. Sixty-seven when he went into exile, he spent the last twenty years of his life in obscurity and became a legendary figure before he died.

[1] He signed his own name Sieyès, Siéyes, or Sieyes. In none of the signatures that I have seen has it two y's or two accents.

No one ever argued that Sieyès was a great statesman. He made his mark as the author of what is probably the most famous pamphlet ever printed.[1] Soon he claimed the title and acquired the reputation of a profound doctor in politics. Adversaries ridiculed his claims and liked to treat him as the mere academic politician, who has strayed into active life and there made shipwreck. They learnt in time that, whatever the value of his principles, he had long and sure sight. He had a genius, it has been rightly said, for finding the key to a given political position. Hence a dangerous tactician, whose influence both on ideas and on affairs had to be reckoned with at each crisis of the Revolution. The court, while a court survived, counted him among its most formidable enemies. In 1794, a rumour ran from capital to capital in Europe that he was the unseen agent who moved Robespierre and made the Terror. Robespierre meanwhile was denouncing him as "the mole of the Revolution," the creature whose secret working undermined the ground on every side. Five years later, when he was reluctantly setting Bonaparte in power, one of his wisest enemies reminded those who made light of his ability that he was far more than a mere "political metaphysician"—a man "fertile in practical expedients, who knew how to keep silence and bide his time," than whom "no one knew better how to control himself and secure control over others when some great end demanded it."[2] This judgment is true, and the stories of his activity during the Terror, though false, spring from a just reading of his character. Throughout the ten great years of his life he worked steadily for definite ends, sometimes in the open, sometimes under cover, and his work was not wasted.

The political ideals that Sieyès set before him, his "metaphysics," give the chief interest to his strange career. His acts are interesting enough and have received less consecutive study than have those of many of his

[1] That is, of course, his *Qu' est-ce que le Tiers État?* Paris, 1789.
[2] Mallet du Pan, *Mercure Britannique*, No. 25, November, 1799.

political inferiors; yet taken alone they are but moderately fruitful. The long-sighted tactician was certainly a statesman of the second, many would hold of a far lower, rank. The man as we know him is unattractive—hard, bitter, unloving, egotistical and self-righteous, though mellowed somewhat in old age. But for the thinker is claimed an important place in the history of political science, rather than that reputation of a facile artisan of unworkable Constitutions which is his ordinary portion. Should the claim be rejected, he would remain significant. Not least because he was in fact what many of his contemporaries have been wrongly called: a man who entered on the career of a revolutionary leader provided with a scheme of political reconstruction, drawn rather from "general principles" than from history; who, as occasion offered, brought forward proposal after proposal, almost every one of which can be fitted into its place in that coherent scheme. His proposals often became the sport of the great blind forces that worked beneath the surface of the Revolution, and as the years passed he learnt both good and evil from experience. But he never became a mere opportunist, and in his later years deserved Napoleon's honourably contemptuous nickname of "idéologue." Had his doctrine been given to the world in books, in books decently readable, and applied by others, he would not have lacked the editors and commentators who crowd about many a third-rate thinker. It was actually given in pamphlets, printed speeches, and drafts of legislation—not infrequently crabbed—and applied by himself, sometimes with indifferent success. Such conditions would have endangered the reputation of far greater political speculators. And as he has not stood high in the favour of any school of historians, for a variety of reasons, some of which are good, what he wrote has never been collected since German disciples published during their master's lifetime a translation of the chief pamphlets and drafts, which is now exceedingly rare.[1]

[1] *Emmanuel Sieyes' Politische Schriften, vollständig gesammelt . . . nebst zwei Vorreden*, 2 vols., 1796. Ed. J. G. Ebel and

The Sieyès family belonged to the upper bourgeoisie of the town of Fréjus, in the old Provence and the modern department of Var. Honoré, the father, held some minor offices under government—postmaster of his native town and collector of the king's feudal dues. He owned a little land and had married a wife connected with the lower ranks of the nobility, the gentlemen of mean estate who swarmed in ancient France. Emmanuel Joseph, the fifth child, was born on May 3rd, 1748.[1] His parents gave him the best education that they could secure, first at home under a tutor, then in the Jesuits' College at Fréjus, afterwards in a school directed by the Fathers of the Christian Doctrine at Draguignan. It seems that many boys from the Draguignan school passed into the royal academies for the artillery and the engineers, and that Emmanuel wished to do the same. So at least his memory told him in later years; but as his parents decided his career when he was only thirteen, his military tastes cannot have been matured. Honoré and Anne Sieyès were devout people, but they thought it no sin to make a priest of their clever son against his will. The Bishop of Fréjus was a friend of the family, and the bishop had talked of the swift preferment that awaited clever lads in the Church. So the boy was packed off to Paris, with tears and protests, to go through the philosophical and theological courses in the Seminary of St. Sulpice.

Emmanuel, it would seem, was a child with no religious bent, who never acquired so much as an interest in the service of the Church. The long years of his ecclesiastical apprenticeship were a weariness to him. Neither the ancient and elaborate theology of Rome nor the kindly

K. E. Œlsner. There is only one recent biography of Sieyès, that of M. Neton, Paris, 1900.

[1] The main sources of information for Sieyès' early life are the autobiographical *Notice sur la vie de Sieyès*, 1795 (see below, p. 159); Sainte Beuve's article in the *Causeries du Lundi*, V. 189; and an article by M. Teissier, *La Jeunesse de l'Abbé Sieyès* in *La Nouvelle Revue*, November, 1897. Sainte Beuve had seen some at least of Sieyès' papers and of his annotated books, which no historian has seen since.

deism of the vicar from Savoy made any appeal, so far as one can tell. In the end, he was asked to remove himself from St. Sulpice, his superiors having found out that his private reading had given him "a taste for the new philosophical principles." He must have been about twenty when a more indulgent seminary, that of St. Firmin, took him in and gave him leisure to complete his studies for the degree of licentiate in theology at the Sorbonne. At the end of his academic life the authorities wrote with easy tolerance that his bishop "might make of him a gentlemanlike and cultured canon, but that he was by no means fitted for the ministry of the Church." A man of nicer conscience would have abandoned the ecclesiastical career, as did Turgot; but preferment was to be had by orthodox and unorthodox alike, and Sieyès was anxious to make his way in a world full of unbelieving literary abbés. His theological interest did not carry him so far as the doctor's degree, but he was ordained priest in 1773 and went out to seek his fortune in the last ignoble year of Louis "the well Beloved."

St. Sulpice had judged wisely. Before he was ordained, as he boasted twenty years afterwards, Sieyès had "succeeded in dismissing from his own mind every notion or sentiment of a superstitious nature"—a complete preparation for the Christian ministry. He "was struck, upon entering into the world, to find it in a state of greater advancement" in these things "than he had supposed"; for the disintegrating effect of a century's criticism on old faiths and old institutions had done its work more effectively than they knew in the seminaries. The cultivated people whose society he sought had agreed to treat Christianity, more particularly Roman Christianity, as a spent force not even worth careful study. It was all "superstition." Yet most of them held that society needed religion. Their masters, the philosophers, were not, as has been recently and rightly said, "lay spirits" in the very precise and uncompromising sense in which that term is employed in

contemporary France.[1] Sieyès himself must have been among the most "lay" of his circle, both in opinion and sentiment, as is not uncommon among people brought into close compulsory contact with religious organisation, who believe that they have found nothing behind. But even Sieyès, whose scheme of things found no place for the Church and no place for God, began early to dream of a national earth-religion, a worship of nature and humanity, that was to have its splendid ceremonial and—although he would not have admitted this—its own dogmatics. He was a learned musician and no mean performer. They say that he used even to sing the gay little ballads and sentimental airs that were in vogue in the days of hoops and sensibility. And he loved to picture to himself the part that music was to play in the solemnities of the ideal rational society of his dreams.[2]

It was the study of "works of metaphysics and morality" that first alarmed his superiors at St. Sulpice. His favourite philosophers, he once said, were Locke, Condillac and Bonnet, and the book that he had most often read was Condillac's *Essai sur l'origine des connaissances humaines*.[3] The Abbé de Condillac, perhaps the most universal and most representative though not the most seminal thinker of the century, was still writing when Sieyès was ordained. One of the books by which he is best known to-day—*Le Commerce et le Gouvernement*, a book that admirers have ranked with the *Wealth of Nations*—appeared at Amsterdam in 1776. In 1780 its author died, after visiting most fields of thought. His theory of knowledge, like his theory of politics, is in the direct line from Locke. He shares with Bonnet the honour, such as

[1] See the articles by M. Mathiez in *La Rév. Franc.* for 1907, *La France et Rome sous la Constituante*. M. Mathiez includes even Helvetius among those who were not "lay"—an inclusion that may be queried.

[2] Sainte Beuve, *Notice sur la Vie*. Dumont, *Souvenirs sur Mirabeau*, p. 64.

[3] Œlsner, *Bruchstücke aus den Papieren eines Augenzeugen . . . der Französischen Revolution*, 1794, p. 187. Œlsner knew Sieyès personally.

it is, of having hit on the illustration of the statue, that is endowed with the senses in succession, to elucidate the hypothesis that the mind contains nothing which it has not received from the material world, through the known channels of sense. His psychology runs clear and thin: he hates mystery and all vagueness in thought or word: he longs to give to every science the exactitude of mathematics and to make language as simple and universal as algebra: he holds that "the true philosophy is barely born," for "by philosophy he understands the knowledge of nature" that began with Copernicus and was carried forward towards victory by Newton. In short, an intellectual ancestor of nineteenth-century naturalism who, however, accommodated his naturalism—somewhat awkwardly—to an anti-papal Christianity that may well have been as sincere as that of Locke or Newton.[1] Bonnet is of the same intellectual stock. He came to psychology from natural history. He was the first careful student of the psychology of the severed worm, and he had hazarded the conjecture that "the plants and animals which exist to-day have proceeded by a sort of natural evolution from the living beings that peopled the first world, as it came from the hands of the Creator."[2] A devout spirit, into the stuff of whose natural philosophy religion, the fatalistic religion of Geneva that accords well with the rule of law, is woven in a very striking way. His influence on Sieyès must have been exclusively philosophic, for unlike Locke and Condillac he never concerned himself with the doctrine of society and government.

Leaving on one side what was "superstitious" in the philosophic teaching of his masters, Sieyès fastened on

[1] Condillac's *Works*, ed. 1798, X., 3, 32. The quotations are from the *Ancient History* that he wrote for his pupil, Ferdinand of Parma, grandson of Louis XV. The statue occurs in the *Traité des Sensations*: his views on mathematics and language in the unfinished *Langue des Calculs*. The philosophy of Condillac's old age was less rigidly naturalistic than that of his youth. See his *Logic* (1780).

[2] See his *Palingénésie Philosophique*, Ch. IV., Vol. VII., of his *Works*, ed. 1782.

what was positive. He, too, knew something of mathematics and had read his *Principia*. He endorsed gladly Condillac's contempt for all philosophy that was not of his own age, and drew from Condillac's theory of knowledge definitely agnostic conclusions that its author had never drawn. And he fortified the conclusions with an argument that in certain phases of religious history is overwhelmingly strong: religion, in explaining natural phenomena by the direct action of the Divine Will, had hindered philosophers in their search for physical and alterable causes of human ills, and so retarded mankind in its pursuit of social happiness: therefore religion "was the first enemy of man."[1] All Christian faith was gone; but the psychology of Condillac's school helped Sieyès to enthrone in its place what has been called[2] the "common and mystic faith" of the men of 1789, the faith in progress. At birth the mind of man was a blank page. All the writing on it came during life and through the senses. If there was no window of the soul through which shone a "Light that lighteth every man coming into the world," neither was there any inborn bias towards lower things. The only current doctrine of heredity was the doctrine of original sin, and that was out of court. Man was a rational animal, rational throughout, but certain anti-rational powers—old enemies of his, like religion, and stupid reverence of kings, enemies whose existence the philosophers deplored yet did not explain—had come between him and truth. Education once made universal and reasonable, the educated man once set in a rationally organised society, and all would be well: the world's moral and social progress would become increasingly and indefinitely rapid. This was the faith, not proven but not all false, that made men like Sieyès and Condorcet seek to become legislators of Solon's kind—framers of whole commonwealths. Just beyond the struggles of the first great legislation lay the new age.

[1] Sainte Beuve, quoting one of Sieyès' early MSS.
[2] By M. Mathiez.

Contemporaries and historians have often asked what traces the years of ecclesiastical training and service left on Sieyès' mental equipment and character. To this there is no easy and certain answer. Enemies of the man or of the Church of course traced to them all his failings, his supposed excessive subtlety, or the dogmatic bent of his mind.[1] There may be some such connection, but if he worked principles as old theologians worked texts, and sometimes he did, that was a trick that may have been acquired from more than one philosophic or economic contemporary. And dogmatism may be learnt in any street. With more insight it has been suggested that his skill in analysing political situations and his "intense realisation of the harmony necessary in social and political organisations" were stimulated by his training as an official of the oldest, most complex, yet most stable of bodies corporate.[2] That body he hated, as he hated most of the other corporate bodies of the old order, Parlements and chartered companies and gilds. Like all his generation, whatever their political creed, he was disposed to leave immense power in the hands of the State. He wished the law to check, and hoped that social progress would in time supersede, these distasteful corporations. Before his career was over he was to become a religious persecutor. And yet, at the very height of the Revolution, he would not share that almost universal prejudice of contemporary reformers against social organisms other than the State, which led them to prohibit associations of working men, attempt to establish a government monopoly in education for fear of competing powers,[3] and decree in so many words (August 18th, 1792) that "an absolutely free State cannot allow any corporations within its bosom." The modern school of French anti-clerical historians that speaks, from the thick of the fight with the Church, of "the eminent and *exclusive* right of the State

[1] *E.g.*, Barère, *Memoirs*, IV., 247.
[2] Sorel, *L'Europe et la Rév. Franc.*, IV., 295.
[3] See below, p. 153.

to direct public instruction,"[1] naturally tends to blame Sieyès for this. Others may appreciate that liberal belief in the value to society of freely-formed associations which he professed, though he did not always act up to his profession, and may connect it with his early experience of the great Association whose aim he disliked but whose principle, whose right to existence, he long continued to respect.

The political superstructure to his philosophic faith was built up by Sieyès, gradually but very firmly, in the years of his maturity from 1774 to 1787. That striking contrast between his vocation and his opinions, he says, was "perhaps the motive which most strongly induced him to examine the mixture of classes, professions, and occupations, of which political society is composed, and to discover, in the great machine of social life, what parts are useful and what redundant or burdensome."[2] During those years he learnt men as well as books, won for himself a place in the administrative work of the Church and a right of speech in the salons of Paris. At first the struggle for life and fortune was hard. The cost of a long-drawn-out education had been heavy and the father wearied of the burden. He had a friend at court, a young abbé to whom he had lent money, from whom much was expected. But the first efforts of this Abbé de Césarge to procure some post for Emmanuel came to nothing. Honoré was annoyed. He cut down his son's allowance, even threatened to stop it altogether, alleging that his means could stand no further drain. Emmanuel complained bitterly, ran into debt, and induced clerical friends to back his appeals for funds. When the funds had been secured he plunged again into his studies—economics this time—and waited on events.

With the accession of Louis XVI., in 1774, the efforts of the influential friends, Césarge, the Bishop of Fréjus and

[1] Prof. Aulard in *La Rév. Franc.*, LIX., 392 (1910). The italics are mine.

[2] *Notice sur la vie.*

others, began to tell. Sieyès was promised the reversion of a canon's stall, and in August, 1775, he became secretary to Lubersac, the newly appointed Bishop of Tréguier, in Brittany. Paris he left with regret, but he won two quiet years among his books; for the light duties of his post left him leisure enough, and he was careful neither to preach nor hear confession. Yet he wearied for the life of town, and sickened in the drowsy ecclesiastical air of his little cathedral city. At last he secured permission to suspend his duties, but draw his stipend from Paris. Satisfactory as this was, there was always the risk that Lubersac might want a working secretary. Sieyès accordingly cast about him for a post in Paris or Versailles. He set his heart on a chaplaincy in the house of the King's aunt, Mme. Sophie, and seems to have expected Lubersac to help get it for him. When the bishop showed slackness, even unwillingness, in the chase, the young philosopher broke out into a howl of irritation in his home letters. Lubersac, he wrote, was playing him false: he was sick of the selfishness and meanness of these courtiers: probably "the old devil"—who was perfectly incompetent—wanted to thrust on him the full dreary routine of administration at Tréguier and leave him there all the year round. Debts, disappointments and ill-health—he was never robust—were not improving a temper naturally morose.

Towards 1780 better fortune, and with it more contentment, set in. The struggle for a footing was over, and Sieyès could turn at will to his studies or to the eager political and literary life of the decade that preceded the Revolution. In 1779 he came into possession of his canonry, and when Lubersac was translated from Tréguier to Chartres he rewarded his late secretary with the appointment of vicar-general in the new diocese. Mme. Sophie's chaplaincy was also secured, though lost again at the death of the great lady in 1782.[1] After that, royal

[1] There was a malicious, and probably apocryphal, story of the chaplaincy often told in later years: how once when saying mass Sieyès noticed that the people of title had all left the chapel. He

patronage ceased; for, as it would seem, the abbé's growing familiarity with reformers of all classes and his known contempt for the existing order made him unfit for office about the court. But the posts that he held already provided an adequate living, and probably a little money came to him from his father, who died in 1782, so that there was no longer need to sacrifice his hardening convictions to his prospects.

There had always been a sort of affection between Honoré Sieyès and Emmanuel in spite of many differences. Emmanuel, while still uncertain as to his own future, could not be induced to take much interest in the financial and matrimonial prospects of the family. One brother decided late in life to follow him into the Church, and it was naturally expected that the clever son would assist his education or seek out an appointment. Emmanuel was coolly indifferent. He had never forgiven his parents for driving him into a career that he detested, yet had not found courage to abandon, and he declined to recognise claims based on the sacrifices that they had made for his education, least of all when the matter in question was the making of another priest. So there was distress at Fréjus and a pitiful angry letter went to Paris. That was in 1779, when the turn in Emmanuel's fortunes was hardly complete. It is perhaps fair to add that his brothers at this time can have been little but names to him: the question was one of family loyalty rather than of love. Love shows but seldom in the correspondence that has come into print, save now and then in tender inquiries as to the health and welfare of the mother. After the father's death very little is known of any relations with his own kin. One brother, J. B. Sieyès, Seigneur de la Baume, became a lawyer, and subsequently an obscure private member of the National Assembly. We hear of

stopped, saying, "Je ne dirai pas la messe pour la canaille." The story is of the same class as one accepted uncritically by Taine, that Sieyès joined the revolutionary side because he was refused an abbey that he coveted. Neither has any respectable authority.

him frequenting the society of Emmanuel's admirers in 1789. In 1791 he returned to Fréjus. In 1800 he became a member of the High Court and settled in Paris. Another brother—probably Léonce—was consul at Naples in 1798. After 1800 a nephew and nieces come to light, children of this second brother, but the shadowy existence of these people in the background only throws up the lonely figure of Sieyès, priest and ex-priest, during his working-day.[1] They draw nearer as the evening closes; but his real life as we know it is all lived alone and all as it were official. There is the record of his ideas, of his public acts, of his political intercourse, now and again a half intimate story; little else of any sort. Had there been much else, history's judgment of him might perhaps have been a trifle more friendly; though the early correspondence that has come to light has added only a very little human kindness to the gaunt self-centred figure of the working day.

Between 1783 and 1787 Sieyès is almost lost to sight. We know that he had acquired a considerable professional reputation as a man of business. At Chartres he was chancellor of the chapter as well as vicar-general, and he represented his diocese in clerical gatherings at Paris, as he had formerly represented Tréguier in the Estates of Brittany, thus acquiring such knowledge of deliberative assemblies as old France could give.[2] We know also that he was extending his acquaintance among reformers, and had become a well-known figure in philosophical circles. And it is believed that he became a Freemason, and joined that famous Lodge of the Nine Sisters which counted among its members La Rochefoucauld and Bailly,

[1] For Sieyès la Baume, see Teissier, *Les députés de la Provence à l'Assemblée Nationale*, pp. 114—115; Brette, *Recueil de documents relatifs à la Convocation des Etats Généraux de* 1789, II., 1214; Beaulieu, *Essais sur la Rév. Franc.*, II., 52. Teissier also mentions Léonce Sieyès and other members of the family. For a brother at Naples, see Pallain, *Le ministère de Talleyrand sous le Directoire*, p. 408. For the nephew and nieces, see below, pp. 258-60.

[2] Nothing is known of his work on these occasions.

Collot d'Herbois and Rabaud Saint Étienne, Camille Desmoulins, Pétion and Danton.[1] His intellectual occupation was the completion of his political doctrine, of his system, as they said in the eighteenth century. Now of systems the master Condillac had written:—"A system is nothing but the arrangement of the different parts of an art or a science in an order such that they will support one another mutually, and such that the earlier will explain the later. Those parts that account for the rest are called principles, and the system is the more perfect the fewer are those principles: it is desirable even to reduce them to a single one." And again: "There is no science and no art in which systems cannot be made; but in some the aim is to account for results, in others to prepare them and bring them to the birth. The former is the object of physics, the latter of politics." And again: "If there is a sphere in which people are prejudiced against systems, that sphere is politics. . . . Yet is it possible to rule a state if one does not embrace all its parts in a general view, does not bind them to one another, so as to make them move in harmony, and from some single and common spring?"[2] These sayings it will be well to bear in mind.

There was a general agreement among enlightened men in the reign of Louis XVI. as to the immediate need for certain long-debated legal and administrative reforms in France. Law was to be uniform throughout the country. The advocate of Voltaire's dialogue, who defended the forty-four different customary laws with the argument that you had at least as many customary pints, was silenced. Pints also were to become uniform, as they were supposed to be among the English, who had "one measure, but twenty different religions to make up for

[1] Robinet, *Danton homme d'état*, pp. 37—38, quoting Barruel, *Mémoires pour servir a l'histoire du Jacobinisme*, V., 83—85. Barruel is not to be believed implicitly, *e.g.*, he puts Condorcet in the Lodge, and it is almost certain that Condorcet was not a Mason. Cahen, *Condorcet et la Rév. Franc.*, p. 21.

[2] *Traité des Systèmes*, Vol. II. of *Works*, pp. 1, 373, 375.

it."[1] Unified law was to be the same for all classes; the privileges of clergy and nobility must cease. Trade, at least internal trade, was to be free; fish was no more to pay eight-and-twenty tolls between the Channel and Paris, the gilds no longer to block the entry and exercise of trades. Torture and the inquisitorial criminal procedure were to be abolished. Thought, speech, and the press were to be freed. Marriage was to become a civil contract; divorce and usury to be legalised. The taxes were to be reorganised so as to bear equitably on all classes. Education was to be made a national concern, as in the ancient republics.[2] Local self-government was to be encouraged: its encouragement had in fact begun. And in connection with this there was a growing, if not yet a general, demand for a re-division of France to facilitate both local and central administration, as a result of which the bewildering existing divisions—different for each function of government and precise for none—would disappear. Such were the chief matters that were already almost beyond debate.

On the constitutional question there was no unanimity even among reformers. The unanimity with regard to legal reform was itself a new thing. A generation earlier Montesquieu had treated local customs, peculiarities, and privileges as a not undesirable part of the mechanism of great states. Subsequently Rousseau, who disliked such states, had based his dislike partly on the necessity, which he conceived lay upon them, of tolerating diversities of law to suit the differing needs of their various provinces.[3] The reformers of the seventies and eighties were themselves faced with the difficult problem—how at the same time to stimulate local government and stifle local privilege? how to combine uniformity and empire? Here, where the legal and constitutional problems blended, the

[1] *Dialogue entre un plaideur et un avocat* in *Dialogues et Entretiens Philosophiques.*

[2] The demand was first framed by the President Rolland in 1768; somewhat later by Turgot.

[3] *Contrat Social*, Bk. II., Ch. 9.

most accredited teachings were conflicting or inadequate. Those of Montesquieu and Rousseau obviously offered little to great states seeking radical reform. Their authors, bred in the classical tradition, were biassed in favour of the smaller states of the ancient world. Montesquieu, who did not believe that forms of government could be transplanted, reserved his warmest phrases for republican Rome, the state which drew its strength from that political virtue which consists in the love of country and the love of equality, and is nourished by a general uniform education. But France was too great for such equality and uniformity. She was tied to her past. To her monarchy, as it had been before Louis XIV. and the Cardinals, she might return; it would be madness to attempt any greater change. And this old monarchy carried with it an hereditary aristocracy, privilege, and inequality before the law.[1]

Rousseau had stated explicitly that thoroughgoing political reconstruction, legislation after the pattern of Lycurgus or Numa, could be undertaken with advantage only amongst a people which "whilst united by community of origin had not yet borne the true yoke of law; which had no deep-rooted customs or superstitions; which was not in danger of sudden invasion. . . . ; in which every member could be known by all. . . .; which could do without other peoples and which other peoples could do without; which was neither rich nor poor, yet self-sufficient."[2] He reckoned Corsica the one country in Europe still "capable of legislation." In another place he had hinted that "the external power of a great people could be united with the simple administration and good order of a small state" by means of the federal system[3]; so perhaps he believed "legislation" still possible in federal republics. But there is no reason to suppose that he thought it possible for France.

[1] See particularly in the *Esprit des Lois*, Bk. IV., Ch. 7, Bk. V., Ch. 3, and the preface to the edition of 1758.

[2] *Contrat Social*, Bk. II., Ch. 2.

[3] Bk. III., Ch. 16 and the footnote, which occurs in the first edition.

It is a commonplace of history that the desire for a strong, swift and efficient central power in great empires, coupled in some cases with contempt for the mob, had turned many reforming thinkers of the mid-eighteenth century into the friends and flatterers of enlightened despotism. Some desired a restless and efficient despot, like Frederick, Joseph or Catherine; others preferred a Sovereign strong enough to stop the unwholesome activities of class and corporation, but endowed with a self-restraint that would enable him, for the most part, to refrain from law-making and commit society to the beneficent working of "natural law." This was the inclination of Quesnay and his direct disciples, who spent themselves in rapturous accounts of that Chinese despotism which, as they supposed, conformed to the ideal type.[1] Others, again, although more democratic in sympathy, still assigned a high place to the power which alone in most continental states seemed capable of initiating reform. Of these the most important, especially in his relation to Sieyès, is Condillac's elder brother, Gabriel Bonnot de Mably.

Mably, who was as prolific as Condillac, began to publish in 1740, but his most important political and social work only appeared between 1763 and 1784, some of it having been held back by the higher powers because of its dangerous tendencies.[2] A devout admirer of the ancients, his ideal nearly resembled Plato's republic, for he was interested in politics mainly on the moral side. He loved the communistic life of simple agricultural peoples, and would have cured the evils of society by strict sumptuary laws, the equal distribution of landed property, and the supervision of its use by the state. Inequality, however slight, would lead to some measure of class tyranny.

[1] See *Maximes générales du gouvernement économique d'un royaume agricole* and *Despotisme de la Chine* in Quesnay's *Works*, ed. Oncken.

[2] For instance, the *Étude de l'Histoire*, written about 1767, published 1782, and usually printed among Condillac's works. See Guerrier, *L'Abbé de Mably*; Lichtenberger, *Le Socialisme au 18me siècle*. Four editions of Mably's works appeared, 1789—97. The leading passages are extracted in Bayet and Albert, *Les écrivains politiques du 18me siècle*, pp. 304 sqq.

Therefore, where equality was not immediately attainable —as in most modern States—a monarch placed high above the classes was necessary. Mably had persuaded himself that in the beginning the French monarchy was democratic. His *Observations on the History of France*, published in 1765, expounded and popularised this opinion. Like Montesquieu he would have France take counsel with the ghost of her own past, but his reading of the past was not Montesquieu's. He saw there a really representative States General, and his hope was that a king would some day dare to summon such a democratic parliament. That the Crown or an hereditary upper chamber should exercise any veto on legislation he regarded as a manifest injustice; and he was severe in his criticism of contemporary England—the royal power was far too great, its abuse far too easy.[1] In France he hardly dared to hope for reform, and must perforce wait for it from above. Called upon to write a treatise on the study of history for the little Prince Ferdinand of Parma, his brother's pupil, he besought him at the close to abolish privilege, make equal laws, limit luxury, check excessive wealth and stop all desperate poverty by sumptuary laws, separate executive from legislative power, and transfer the latter intact to an assembly of Estates elected freely and without corruption. So he would go down to posterity as the father of Parma and Piacenza. One can imagine the counsel that Mably might have given, had he lived to become one of the pamphleteers of 1789.[2]

Partly as the result of Mably's influence, the desire for a revival of representative institutions was widespread before Sieyès left the Seminary of St. Firmin. The vogue of the English Constitution was of old standing. To many it had seemed that the English system, or some approximation to it, actually would prove—as Montesquieu

[1] *Étude de l'Histoire*, Bk. II., Ch. 5.

[2] Thirty years earlier he had held that the Parlements, then engaged in a religious quarrel with the Crown, should demand the summons of the States General.

had implied—the surest guarantee of such liberty and equality as was possible to the moderns. Montesquieu's pessimistic doubts as to the value of an import trade in institutions they had set aside. The English model found room for monarchy, aristocracy, an independent body of judges, ostensibly popular control of legislation and finance, and a uniform system of law. Among political speculators its vogue was already over; Rousseau despised it, Mably suspected it; but men of affairs still sometimes hoped to revive the States General in some modified form, to retain the old legal corporations, the Parlements, with their traditions of opposition to royal authority, and so to establish in France that separation of powers—executive, legislative and judicial—which Montesquieu, developing the thought of Locke, had declared essential to the stability of "mixed" governments like the English.

But the English model was not adjustable to French society. The difference between peerage and noblesse alone meant a revolution before it could be copied. And Frenchmen came to think that if there was to be a revolution, the result should be something more artistic and more effective than the system that found room for Lord North, Dunning's motion, and the refusal of Catholic emancipation. Moreover, the remnants of representative institutions that France retained, and the first new representative institutions with which she made experiment, were of a class that England did not possess and did not try to create for another century. The assemblies of Estates which still lingered in some French provinces, the memories of Estates that were cherished in others, were not very effective political forces; yet they embodied, however imperfectly, the principle of local representative government. That principle, in a dilute form, was favoured by Turgot, and by him was blended so completely with the principle of national representative government, that from the time of his ministry (1774—6) onwards French reformers could not think of the two things separately, and would not tolerate a system that provided for the

latter imperfectly and for the former not at all. Not that Turgot ever proposed to give legislative power to representative assemblies. He had sympathies with the school of Quesnay and he distrusted the judgment of the multitude. Nor had he ever put forward a strictly democratic scheme. What he asked the King to do, in the great report written for him by Dupont de Nemours,[1] was to create in parishes, "districts," provinces and the nation a series of elective assemblies, the parish assembly chosen by all persons holding land of a certain value, the district assembly composed of nominees of the parish assembly, and so on upwards. They were to give advice to the Crown and assent to the local distribution of the burdens of taxation; they were to superintend certain branches of local administration, but neither to legislate nor in any wide sense to administrate. At the bottom, the parish meetings were to be electing bodies and no more.

Turgot intended that this system should supersede the remnants of the Provincial Estates and obviate any pretext or necessity for summoning States General. Efficient administrator, sound monarchist, despiser of class privileges and local pretensions as he was, he wished to get rid of "the confusion, the intrigues, the *esprit de corps*, the animosities and prejudices of order against order" that marked the system of Estates, in which nobles, clergy, and Tiers État discussed and voted separately. Had his plan been carried through, the States General of 1789 need never have met. But his plan involved revolution, and must have led to further revolution; for everyone with democratic sympathies—Condorcet, for example, in his essay on the Provincial Assemblies—saw how the system might be utilised to nourish local and national self-government.[2] Nothing came of the plan during Turgot's ministry; but it was taken up later, and—more important still—about it crystallised a democratic doctrine of legislation and an ultra-democratic

[1] *Mémoire au roi sur les municipalités.*
[2] Cahen, *Condorcet*, p. 67.

doctrine of administration, which savoured little of eighteenth century England.

From all the praise of republican virtues, all the protestations of love for Sparta, Rome and Switzerland, that are so wearisomely frequent along the whole line from Montesquieu to Mably, there had issued little, if any, decided dislike of the French Crown. Even the part played by France and Frenchmen in the American Revolution did not bear immediate fruit in republican conviction.[1] America taught how rights might be deduced and proclaimed, principles defended, governments created, the past defied, the future bound by constitutional devices. No doubt it prepared the way for republicanism, but as yet the way was unused. In France the King had always been the symbol of national unity and greatness; to his person the mass of the nation was fervently if ignorantly devoted. Men of education knew that in old days, when the King had been weak or a child, provincial patriotism and aristocratic ambition had threatened the life of the State. But the conception of a King who is the first servant of the law, a conception derived in part from Locke and the English Revolution, in part from the best memories of the French monarchy itself, was common to almost all who had the power to conceive. Whether law was pictured, after the manner of Quesnay and the economists, as that natural order to which a wise monarch will submit; or, according to Rousseau, as the expressed will of the sovereign people; or, somewhat after the English fashion, as the joint product of King and his representative subjects, the result was the same. Even the friends of the enlightened despots felt that enlightenment must exclude the very shadow of arbitrary rule.[2]

Of all the more or less finished systems that lay to his

[1] See Aulard, *Hist. politique de la Rév. Franc.*, Ch. I.

[2] See, for example, Voltaire's proof that the Emperor of China ruled by law, not by arbitrary decree, quoted in Beyet and Albert, *Écrivains politiques*, p. 101.

hand, Sieyès probably liked best the "republican monarchy" of Mably; but he was in no sense Mably's disciple.[1] Mably based his doctrine on a reading of the past, or at least strengthened it by an appeal to the past. Sieyès thought the past was illegible and, apart from its illegibility, worthless. He knew that a statesman must take some account of national antecedents, as of the political circumstances of the moment, when deciding on the expediency of particular proposals; but he denied the right of the past to mould ideals. "Men enough have busied themselves in combining servile notions, which always coincide with the facts," he wrote before the Revolution. "When one broods over these notions . . . one is constrained to tell oneself at every page that sound politics is not the science of what is, but of what should be." And he added, with a reminiscence of Condillac, "Suppose we call the plan of a building which does not yet exist a romance; well, a romance is assuredly a mad thing in physics, but it may be an excellent thing in politics. I do not see why an attempt should be made to prescribe one uniform procedure for all the sciences. . . . Let the physicist content himself with observation, with the accumulation of facts—nothing could be wiser. . . . Physics can only be the knowledge of *what is*. But *art*, whose aim is to bend and fit the facts to our needs and to our tastes, *art* is our possession. We can both speculate and realise our speculations. It is well not to observe only, but to foresee effects and rule them, by uniting or separating, by strengthening or weakening the causes. You must allow that here the most useful artisan is not the one who knows and will see nothing beyond *what is*." Looking with shrewd scepticism, and the arrogance of a man nourished on a new philosophy, at the conflicting interpretations of the past offered by his contemporaries, he concluded that "to judge of what happens by what has happened is to judge

[1] M. Neton, to my thinking, exaggerates considerably his dependence on Mably.

the known by the unknown. It is safer to judge the past by the present and to agree that the so-called historical truths have no more reality than the so-called religious truths."[1]

Arguments drawn from observation and "the nature of man" were to replace those drawn from what claimed to be the experience of men. There was the standing, and now familiar, danger besetting this method that "man" was apt to be a creature without temporal or local idiosyncrasies, cousin to the animated statue of Condillac. Sieyès knew, none better, that the Frenchmen of his day were compact of passion and prejudice; but he believed that "man," properly arranged in society, educated, and started on the right way, would conform to all the rules of universal reason. And he was sure that he knew what "man" was like at bottom. After five years' experience in the Revolution, he could still write how in the lonely years at St. Sulpice he had acquired "that knowledge of man, so often and so mistakenly confused with the knowledge of men, that is, with the little experience of the intrigues . . . of a little group of people."[2]

Contempt for history had compensating advantages. In Sieyès' day more intellectual independence was needed to reject the authority of the classics than to reject that of the Church. This independence he possessed. He was never misled by classical analogies. He attached no vague mystical meaning to the word republican. He knew a republic for what it is, a form of government among other forms. Such classical knowledge as he had he used, and some of his schemes show the marks of the ancient world. But he was never mastered by that knowledge, never thought that an appeal to ancient authority could serve instead of an argument. Nor are his writings and speeches stuffed with the conventional classical references of his day, an omission grateful to the student of revolutionary rhetoric.

[1] These extracts are all from Sainte Beuve.
[2] *Notice sur la vie.*

And if the Greeks received no superstitious worship, still less did that other idol of the market-place, "man in the state of nature." Sieyès had learnt to employ the well-worn conception of the state of nature to explain the existence of political society; but he neither believed in a golden age nor liked primitive communities. Existing society he found complex. His aim was to make its mechanism more efficient, more uniform in general plan and motive power, not necessarily simpler in its working parts. Accepting the doctrine of popular sovereignty, very nearly in the form given to it by Rousseau, he refused to identify it with what he counted the barbarous expedient of direct democracy. He was in the habit of comparing proposals to adopt direct democratic methods, under modern conditions, with attempts "to repair or construct a ship of the line made with no theory, and no resources, beyond those of savages in the construction of their canoes."[1] Rousseau he accused of "confusing the principles of the social art with the beginnings of human society."

In his views on the seat of authority in the State and on the origin and end of society, Sieyès was in substantial agreement with Locke. Like many of those who used the conception of a social contract, he was not careful to ascertain whether or not the contract was an historical fact. For him it lay in the future rather than in the past. Rational society ought to originate by mutual assent; existing societies were so irrational that their origin might best be attributed to blind accident. "I leave the nations formed by chance," he wrote in one of his youthful notes; "I assume that reason is at last going to preside over the formation of a human society, and I wish to set down an analytical sketch of its constitution. I shall be told that I am going to write a romance. I reply, so much the worse; I should have preferred to find in the actual course of events what

[1] *Notice sur la vie.* A similar passage is quoted by Sainte Beuve.

I have been forced to seek in the realm of possibility." Sometimes he would write as if, even in France, the State had been founded by contract in historical time; but that is never his true opinion. He did not stop to ask whether Mably was right, whether the establishment of the absolute monarchy involved a royal breach of agreement. In the eye of reason, princes and parliaments received their commission from the people, from whom alone authority could proceed: that was all he knew or cared to know. Locke's reply to Filmer was labour wasted. Hobbes was a patent ass, who need not even be named: "it would be ridiculous to suppose that the nation itself could be bound by the formalities or the constitution to which it has subjected its mandataries."[1] For neither prescription nor force had anything to do with right.

Society existed, according to the theory developed by Locke from Roman origins, to preserve men's "lives, liberties, and estates, which I call by the general name of property." Locke regarded private property, in the narrower sense, as the product of the labour of the individual and the right to it as anterior to society.[2] This view was not universally received in France. It stands on record in the Declaration of Rights, partly owing to Sieyès' own influence; but it is a principle of difficult application in troubled times, when the needs of the State call for infinite individual sacrifice. For this and other reasons Rousseau and Mably had argued that the right of property was not anterior to, but established by, the State. Society could at any moment resume what it had granted.[3] What law had created law might destroy. On the other hand, Locke's view had been given a fresh extension by the economists. They had contended that the relations of man to property, his economic activities

[1] *Qu'est-ce que le Tiers État?* Edn. of 1888, p. 68.
[2] *Civil Government*, Ch. 9.
[3] For a discussion of the question, see Sagnac, *La législation civile de la Rév. Franc.*, p. 31.

in the widest sense, were best left absolutely to natural law. Positive law existed mainly to keep the field clear for the operation of that higher force, and society was good because it enabled men to "extend greatly their faculty of becoming proprietors."[1]

This physiocratic extension of Locke's teaching possibly coloured Sieyès' doctrine of property. He once called it "the God of all legislation."[2] In his bitterest attacks on the nobility, he allowed that the influence derived from their great possessions was natural and just, though in existing circumstances unfortunate.[3] And he maintained, throughout his whole career, that only those who were in a position to make some small direct contribution to the national taxes should be allowed to take active part in public life. He hoped, as will appear, to exclude in this way but a tiny minority of destitute persons "without stake in the country"; but he clung to the principle that the full citizen must be in a position of decent economic independence, must have his share of the good things whose enjoyment the State defends. The mass of his philosophic predecessors or contemporaries went vastly further in this direction—Voltaire, who said that the man without land or house of his own must have no voice in the conduct of government; d'Holbach, with his aphorism "the soil makes the citizen"; Turgot, who defended a stiff property qualification for electors; Condorcet, who as late as 1788 would have refused full political rights to all those who could not live from the yield of their own lands; Mably, who, in a posthumous work, with true classical contempt for men whose only property is the skill of their hands, asked his readers to admire with him "the Author of Nature, Who seems to have destined, or rather Who actually has destined, this scum of humanity to serve, if I may so put it, merely as ballast to the vessel of society."[4]

[1] See Quesnay's *Le Droit Naturel.*
[2] *Vues sur les moyens d'exécution*, etc., p. 72.
[3] *Qu'est-ce que le Tiers État?* p. 38.
[4] *Du Cours et de la marche des passions de la société*, p. 167, quoted in Guerrier, p. 193. Voltaire's opinion is in the *Idées Républicaines*,

There is some reason to think that Sieyès, in spite of his phrase about the God of legislation, would from the first have looked with favour on a judicious redistribution of the land, a thing of course quite compatible with respect for the political significance of ownership. He always wanted to break the power of the privileged classes, and that was not easy without a certain disregard of proprietary rights. In his very systematic *Exposition of the Rights of Man*, he draws a sharp line between landed and other property. There is no complete explanation, but the phrase employed suggests that he reckoned the distribution of landed property so vital a matter, that interference with a manifestly harmful distribution would be equitable. Perhaps he did say, as a memoir writer tells, that what he wanted was not "to destroy property, but to change the proprietors."[1] *Per contra*, it must not be forgotten that he more than once resisted the reckless treatment of property by the National Assembly, and that he would certainly never have approved a scheme for redistribution without some measure of compensation.

Of liberty he held with Montesquieu that it "can only consist in the freedom to do what one ought to will, and in the absence of any constraint to do what one ought not to will."[2] Men are free, Sieyès maintained, when they learn to regard one another not as obstacles in each other's way, but as means to increase one another's happiness. So the existence of organised society weakens no man's power to increase his own and the general happiness by intelligent co-operation with his fellows. By entering into society man "does not sacrifice part of his liberty. For, even out of the social state no one can possess the right of doing harm to another."[3] Here Sieyès parts company with Locke, who represented man as sacrificing on his entry into society a real, though uncertain and dangerous,

d'Holbach's in the *Système social*, Bk. 2, Ch. 4. For Condorcet, see Cahen, pp. 34—5; for Turgot, above, p. 20.

[1] Ferrières, *Memoirs*, II., 396.

[2] *Esprit des Lois*, Bk. XI., Ch. 3.

[3] *Exposition . . . des droits de l'homme.*

freedom for a lesser freedom and a greater security. Sieyès' doctrine differs also from that of Rousseau. In the *Social Contract* the advantages of society are dwelt on with far more apparent appreciation than in the *Treatise of Civil Government.* Apart from the social bond, man is conceived of as non-moral and animal; yet the transition from "nature" to society is spoken of as involving real loss. Neither of these points is adopted by Sieyès.

Whether that preservation of liberty and property for which society exists is realised or not depends upon the Constitution. If it is to be binding, the Constitution must be a deliberate product of the national will, constructed by a representative body assembled *ad hoc*—a convention. In 1789 Sieyès wished the improvised National Assembly to declare that its strictly constitutional legislation required the endorsement of some such body. But he never believed in the plébiscite, since he rejected Rousseau's view that "the sovereign people, which is a collective being, can be represented only by itself,"[1] and shared Mably's intense dislike and distrust of the direct rule of the crowd.

Representation was in fact the first principle, the "single and common spring," of Sieyès' system. "Everything is representation in society"; outside of it "there is nothing but usurpation, superstition and folly."[2] He held that the application of the representative principle to all sides of national life was "the real object of the Revolution."[3] From a representative system, skilfully contrived, France was to derive all the benefits that other thinkers had connected with direct democracy, benevolent despotism, or mixed government. He did not regret the lost youth of the world, for he knew how to unite liberty and self-government with empire. Most of his contemporaries stood for representative government, but his faith in the cause was unique. Through representatives the Constitution is made or accepted. By representatives

[1] *Contrat Social,* Bk. II., Ch. I.
[2] From a speech of 1795.
[3] *Notice sur la vie.*

alone is legislation carried on. There is no room—as Mably had held—for any veto, least of all for a veto by the crowd. By complicated devices, property is to be "represented," without adding to the voting power of the individual property holder.[1] These devices involved indirect election, a system that Sieyès defended for its own sake, on the supposition—shared by the framers of the American Constitution—that it would produce a type of representative distinctly superior to the ordinary directly elected person. In no case is the representative to be a mere vote-carrier; he is a trusted citizen chosen by an elaborate system to fulfil the social function of law-making. Sieyès saw clearly that Mably, the disbeliever in direct democracy, was inconsistent when he wrote that the greatest of all political dangers was that the deputy should fancy himself endowed "with any authority of his own, and so betray" the interests of his constituents.[2] In Sieyès' eyes the deputy existed to exercise authority over the making of the law, and the mechanism of representation that he devised was meant to exclude the possibility of binding instructions issued by constituencies.

It was easy for him to ignore Rousseau's well-known attack on the representative system. "The notion of representation is modern: it comes to us from feudal government. . . . In the ancient republics, even in the ancient monarchies, the people never had representatives; the word was not known." "As soon as a people adopts representatives, it is no longer free; it no longer exists."[3] The shafts glance off Sieyès' armour. He agreed that feudalism was stupid, but an institution was not necessarily stupid because it was feudal. If the ancients had not hit upon the representative system, so much the worse for the ancients. The historical origin of the system was a matter of perfect indifference.

In order that law-making may never slip from the trusted

[1] See below, p. 79.
[2] See his treatise *De la législation*, Bk. III., Ch. 3.
[3] *Contrat Social*, Bk. III., Ch. 15.

and chosen hands, the legislative assembly must never die. To preserve its continuity there are to be no general elections, but each year one-third of its members are to be replaced.

All servants of society, and not only legislators, are to be trusted and chosen. No one is to fill any post under Government whose name is not found on a "list of eligibility," drawn up by those over whom he is to exercise authority or by their representatives. Probably Sieyès got the notion from D'Argenson, who had suggested that local government should be entrusted to officials chosen by the royal Intendants from lists of local nominees. But who pricks out the names on Sieyès' list? In the scheme of 1789 it is of course the King or his agents; for at that time the Abbé was proposing to leave executive power in the hands of the "hereditary representative of the nation." But if he had written a treatise on politics in 1787, it is very likely that he would have crowned his ideal State with an elective president. He tolerated hereditary monarchy in '89 and later for reasons of expediency, but he never argued with any vigour in its favour. Once, in a footnote to an early pamphlet, he said that "kings had become hereditary to avoid the civil troubles that their election might produce"; but the sentence is introduced by an "if" and is part of an argument against the extension of the hereditary principle to legislation.[1] With Locke he was strongly of opinion that the legislative is "the supreme power of the commonwealth." He never meant to entrust any share in legislation to the King, as in England.[2] He was shrewd enough to know that an hereditary monarch, recently absolute, would not squeeze easily into the narrow niche provided for him. But if the King would honestly try, Sieyès would not make the feat more uncomfortable than was necessary.[3]

That his projected political machinery might work

[1] *Qu'est-ce que le Tiers État?* Edn. 1888, p. 60.

[2] French thinkers almost all ignored the decay in the royal power of veto during the eighteenth century.

[3] The above is my own opinion: there is not documentary proof.

smoothly it was essential that France should be re-divided and sub-divided upon a uniform plan. The scheme was in the air during the eighties, and map-makers were at work upon imaginary re-divisions, but Sieyès was to become its best-known advocate and to leave upon it the stamp of his own mind.[1]

When the representative system had been completed in all its parts, the time would be ripe for measures of legal, administrative and social reform whose results would prove permanently beneficial. Until its establishment there was no guarantee even of the rudiments of civil liberty, in France or any other country, and reforming legislation might prove labour lost.

This whole scheme of highly organised representative government has more points of contact with the Constitution of the Commonwealth of Harrington's Oceana than with any plan put forward in the eighteenth century. Oceana had its permanent legislature, renewable by thirds yearly, a system, as the Lord Archon once explained, which caused "the House (having at once Blossoms, Fruit half ripe, and others dropping off in full maturity) to resemble an Orange-tree."[2] Though there were two chambers—both elective—the power of accepting or rejecting laws lay absolutely with one: there was no veto. The fruit for this parliamentary orange-tree was selected by indirect methods. Legislators were not delegates, but law-makers with full authority. For purposes of government Oceana was split up into uniform provinces, as England and Wales would have been if Harrington had had his way. To him the re-division of the country, "with as much equality as may stand with convenience into fifty shires," had seemed a wise device for ensuring "that the people may be most equally represented

[1] Robert de Hesseln's map of 1786 is said to contain very nearly the present departmental boundaries. *Grande Encyclopédie*, Art. *Département*; and see below, p. 78.

[2] Harrington's *Works*, edn. 1700, p. 140.

or that the Parliament may be freest."[1] Lastly, Oceana had no room for hereditary political power, and its Archon was wont to criticise the older English Constitution much as Sieyès criticised the England of George III. —"Your Gothic politicians seem to me rather to have invented some new ammunition or gunpowder, in their King and Parliament, than Government. . . . Where are the Estates or the power of the people in France? Blown up. . . . On the other side, where is the King of Spain's power in Holland? Blown up." Sieyès would have agreed that the pretended balance of power between King and Parliament was no real balance, that the system only worked smoothly when one or other was more or less completely "blown up"; and he had no wish to experiment with these political explosives in France.

That he had studied Harrington may certainly be assumed. Assumption is needed because we happen to know at first hand the names of only four authors whom he had read.[2] But a knowledge of Harrington was taken for granted among those interested in political theory in his day, and it was a matter of common gossip that he had borrowed the idea of the uniform departments from Oceana.[3] There was no need to go to Harrington for the idea in 1789; but it is interesting to find that the first time Sieyès put it forward,[4] the number which slipped from his pen was fifty. A round number taken at random perhaps; but its occurrence in the text, close to the plan for an orange-tree Parliament, suggests a copy of Oceana somewhere on the author's table. And when, later in life, he had to revise his theory of Parliament, there is every reason to think that he again drew inspiration from Harrington.[5]

[1] *The Ways and Means whereby an equal and lasting Commonwealth may be suddenly introduced*, etc. *Works*, p. 539.
[2] Besides Locke, Condillac and Bonnet, Adam Smith. I am not sure that he ever mentions Rousseau by name.
[3] Morellet, *Memoirs*, I. 415.
[4] In the *Vues sur les moyens d'exécution*, etc. Below, p. 48.
[5] See below, p. 174.

From the fundamental parts of his earlier pamphlets, speeches, and legislative proposals, and from the few records of his pre-revolutionary opinions which have survived, it is not difficult to reconstruct his system. Some of his best-known and most striking constitutional devices first come to light at a later date, and though their connection with the original body of doctrine is usually organic, though they are at times but the working out of hints dropped early in his public life, they show traces—more and more marked as the years go by—of his bitter experience in the Revolution, until at last the distance between principles and proposals becomes so wide that the proposals have seemed to many a parody of his original creed. One is not justified in assuming that any scheme put forward after 1794, which is not clearly foreshadowed in his earlier work, was part of the primitive system. That the system as described was finished and coherent before 1789 will be plain when the details of the first scheme of constitutional reform have been examined. But as all our knowledge comes from documents drawn up to serve some immediate end, there are fundamental matters upon which no full and clear profession of faith has been preserved.

What, for instance, did Sieyès think should be the place of women in the State? Several times in his 1789 pamphlets he showed discontent with the traditional solution. He even expressed a definite wish that woman should be admitted to the franchise.[1] But he took no part in the controversy on the question raised by his friend Condorcet in his article *Sur l'admission des femmes au droit de cité* of July 1790.[2] Nor did Sieyès ever return to the subject. Probably he continued to admit the right, but was not ready to spend labour to no purpose in defending it.

Had he a philosophy of the majority, a satisfactory answer to the question—By what right, if any, is the opinion of a majority treated as an expression of the general will, supposing there to be a general will? Pro-

[1] *Qu' est-ce que le Tiers État?* p. 41.
[2] Cahen, *Condorcet*, p. 187.

bably not. The defence of decision by majority in his *Exposition of the Rights of Man* is as unsatisfactory as most other defences, save the humble argument from convenience, an argument which Sieyès himself adopts elsewhere.[1] It is dominated by the barren conception of a tacit contract among persons working towards a given end, a contract by which they agree to uphold whatever means the majority may adopt for gaining that end. He was not apparently interested in Rousseau's doctrines of the general will. Had he concerned himself with them, he would probably have labelled them superstitious. His official view of the universe was mechanical, and his favourite metaphor, natural enough in the mathematical age, was not the social organism, but the social machine. Yet he did not think, or rather he did not feel, that France was a machine devised to secure the happiness of Frenchmen. Passionately patriotic, sentiments of which he gave to himself no reasoned account broke all the bounds of the mechanical individualism that he ordinarily professed. He acted as though France were a moral person, with a life and interests of her own, greater than the lives and interests of the individuals who at a given point in time composed French society. But in argument, he would probably always have said that phrases such as the will of France, the interests of France, were merely metaphorical. However that may be, his system of government was well calculated to ascertain the general will as conceived by its modern exponents, who tell us that it is more likely to be discovered by an appeal "to the organised life, institutions, and selected capacity of a nation," than by any appeal "to that nation regarded as an aggregate of isolated individuals."[2]

To name but one other gap in our knowledge of his opinions—we know little directly of his views on Federalism. As his system did not require a world full of small states, he lacked the faith that drove Rousseau to follow

[1] See below, p. 45.
[2] Bosanquet, *Philosophical theory of the State.*

Montesquieu in admiration for federal republics.[1] Neither Sieyès nor anyone else had taken seriously the suggestion thrown out by Helvétius, himself not half in earnest, that France should be cut up into thirty little republics, united by strict confederation, each guaranteeing the territory of all its neighbours.[2] During the Terror the charge of sympathy with such teaching became a death warrant, but no enemy could ever bring that charge against Sieyès. The most that he had ever done was to suggest that the French colonies might have Parliaments of their own and a federal relation with the mother country.[3] In him the feeling that was to coin the phrase "the Republic one and indivisible" was overwhelmingly strong; he and those who thought with him never drew from the current social philosophy, save sometimes in words and for foreign consumption, that denial of the claims of historical nationality which was common among the more speculative Germans, who had forgotten what it was to be at one.

It is singular that a man of Sieyès' temperament, knowledge, and literary ability, should never have printed a single page until he was turned forty, when the coming of the Revolution provided a compelling motive. One is tempted to think that, more clearly than others, he saw change coming from afar and waited. The position that he himself was to secure among the makers of change he cannot have foreseen. Yet he assuredly dreamt of exerting influence, and great influence, by voice or pen. Thinkers before him, standing in the classical tradition, had taught that a new system of government is most likely to succeed when it is the product of a single man of supreme ability, for then it will be consistent in all its

[1] See above, p. 16. The phrases there quoted from Rousseau are almost verbatim those of the *Esprit des Lois*, Bk. IX., Ch. 1. Montesquieu concludes that a federal republic is "a form of society . . . devoid of any drawback."

[2] *De l'Homme* (1772).

[3] *Observations sur le rapport du Comité de la Constitution*, etc. (1789), p. 17.

parts. It is not a teaching that should attract a whole-hearted believer in representation; but it certainly attracted Sieyès. He thought ill of the men of his own day, of their capacity and their character. He was a reformer because the chaos of society jarred on his sense of the necessary harmony of things, as a discord jarred on his ear; because he had himself felt the weight of the dead hand; because he saw unreason in high places and reason made tongue-tied by authority—only to a lesser degree because he was moved by sympathy for individuals or indignant that the law should grind the faces of the poor. The social machine had to be re-created after a fresh model. And he was the wise mechanician fitted to superintend the work. That clumsy old structure had turned out bad stuff — recall his psychology — which a slightly soured philosopher might reasonably contemn. Representation would only have its perfect work among the nobler and happier products of the new mechanism. And how were they to be produced at all unless the right man drew the plans?

## CHAPTER II.

### THE ATTACK ON THE ANCIEN RÉGIME.

AT forty Sieyès was a lean man of middle height, whose leanness made him seem taller than he was ; anything but robust, yet with the toughness of fibre often found in those who suffer from chronic disease. As a child he had been reckoned delicate, and he remained liable to complaints of throat and lungs. So his voice was not powerful in tone nor ever able to stand the wear of much public speaking. The face was oval, the complexion pale—the yellow pallor of the South. A profile acute rather than masterful—the features tolerably regular and well-formed, nose sharp and slightly aquiline, jaw sufficient but not conspicuous, forehead high and somewhat narrow, curving backwards from the brows—not that "forehead like a tower" which is seen on so few Revolutionary leaders but Danton. His eyes were large, dark, quick and expressive, but weak ; his hair of a light brown, but in middle life not very plentiful, even after the abandonment of the tonsure.[1] There is much of the scholar in all this, and there is one profile portrait that faintly suggests Erasmus.

Those who met him for the first time were struck by his "remarkable physiognomy," and his obvious quickness in "penetrating the ideas of other people,"[2] but they were apt to be impressed unfavourably by his calculated reticence in conversation — a habit perhaps acquired

[1] There are no descriptions of him before 1788—9. The best are in the German edition of his works, Vol. I., p. lxxvii., and that of the traveller Meyer, quoted in Aulard, *Orateurs de la Convention*, II., 556. His own account of his health, written for his doctor, is printed in *La Rév. Franc.*, April, 1901.

[2] Arthur Young, *Travels in France* (Edn. 1792), I., 117.

for defensive purposes in early days—, by what seemed to them deliberate obscurity and vagueness in speech, and by the arrogant assurance with which from time to time he would produce oracular remarks in low mysterious tones. "He does not discuss," wrote Talleyrand, "he speaks only in single sentences." But he was bound to add that "each sentence expressed a thought and gave evidence of reflection."[1] Sieyès' enemies said that the mystery was affected to cover a weak character and a shallow intellect. But Talleyrand was not imposed on by shallow men; and though the character lacked that generosity which goes with the nobler types of strength, it was conspicuously tenacious. The vanity that sometimes produced spells of morose silence, when the oracles were neglected or claims to deference ignored, was in part the vanity of the South—of a Tartarin or a Thiers—in part the outcome of a lonely invalid's temperament. It was not so devouring as has often been said. He could consort easily with political opponents, in the days before the guillotine, and it is one of these who testifies that he took criticism of the pamphlets which made his reputation wonderfully well.[2]

There seem to have been no passionate vices and no taste for vulgar pleasure. Austere and ailing, he never gave an opening even to insinuation. There is not so much as an anecdote of close friendship with a woman, though someone says that Théroigne de Méricourt adored his talents and his virtues.[3] When first he entered society, a sensitive and awkward seminarist, he found himself ignorant of its "oblique speech." He felt, he says, like a traveller among an unknown race, and so set about studying their manners.[4] In time, when he had been "practised a little with men and brushed o'er with good company," he

[1] *Memoirs*, p. 112. The rest is a composite portrait from the memoir writers. Typical hostile accounts are in Baudot's *Notes sur la Convention*, pp. 1, 2, 7, 18, 225, etc., Montgaillard's *Histoire de France* (1827), II., 33—35.

[2] Montlosier, *Memoirs*, I., 189—90.

[3] Beaulieu, *Essais historiques*, II., 52.

[4] *Notice sur la vie.*

acquired, and he always retained, the courtly style of the old French world, but he had no natural charm of manner; and though he could make himself appreciated in the drawing-rooms, it was by his music and his acid wit, not by any touch of gallantry.[1] Admirers and intellectual followers he certainly had, but few, if any, friends.

Here was none of the material of a party leader, still less of a demagogue. While the majority shared his opinions he was a power, for no man ever excelled him in coining phrases that summed up, or expedients that solved, political situations. But he could neither control an unsympathetic audience nor easily manage a mixed following. A following, a body of reverent disciples, there was from the first. Its size varied, but it was never quite extinct, and it earned for him from Mirabeau the nickname of Mahomet.[2] Besides the professed admirers, his company was often sought by politicians who valued some of his ideas and appreciated his sure readings of the clouds; but he was incapable of inspiring sustained enthusiasm.

With the fall of Necker in 1781 and the crushing cost of a glorious war with England, the absolute French monarchy had entered its last phase. Not that Necker was a saviour of thrones; but with his removal incompetence or reaction gained the upper hand at court, while in the country all the unprivileged classes were further estranged from the existing order, the bourgeoisie by financial mismanagement and the exclusion from commissions in the army of all who could not show their sixteen quarterings, the peasants—still more fatally—by that screwing up of rents and more careful registering of services, which was forced upon landowners by the increasing cost of life, and ended in the blood and flame of '89. Even its best-intentioned acts seemed to damage government. The English commercial treaty of 1786, for

[1] Talleyrand, p. 112. Dumont, *Souvenirs*, p. 64.
[2] Dumont, p. 296.

instance, was largely the outcome of the free-trade teaching of the economists and of a generous desire to put an end to old rivalries. But William Eden out-bargained Vergennes and Rayneval; the flood of English manufactures, upon which the tariffs had been greatly reduced, helped to produce an industrial crisis in 1788, and the unemployed of that crisis joined with those made hungry in the troubled season of 1788—9 in pulling down the Bastille.[1]

In February of 1787 Calonne, who could raise no more money, had summoned the first Assembly of Notables, and laid before them his schemes for new taxes and for an appeal to provincial assemblies, all borrowed with modifications from Turgot. The Notables, of whom not quite one-twentieth belonged to the third estate, threw out Calonne's plans, and his place as Controller-General of Finance was shortly filled by the worthless Loménie de Brienne. Loménie took over most of his predecessor's programme. A whole series of provincial and local assemblies was to be created—a few had been started by Necker—, which were to apportion the taxes and improve their collection, to manage the highways, and do other administrative work.[2] This was a concession that led men like Sieyès to look forward with confidence to a coming victory.

Before the provincial assemblies met, Loménie had begun his great struggle with the Parlement of Paris. The lawyers, using that ancient right which only the direct interposition of the Crown could override, refused to "register" his taxing edict, and demanded the summons of States General. Loménie, relying on royal powers that for nearly two centuries had operated without States

[1] See Holland Rose, *Pitt*, I., Ch. 14. Bloch, *La traité de commerce de* 1786 in *Études sur l'histoire économique de la France.* Rouff, *Le personnel des prémières émeutes de* 1789, *La Rév. Franc.*, LVI., 213 (1909).

[2] Two of the provincial assemblies started by Necker, 1779—81, survived till 1789. Eighteen others were created in 1787. Aulard, *Hist. Pol. de la Rév. Franc.*, Ch. 1.

General and over the head of the Parlement, sent the lawyers into "exile" at Troyes. Evidently Sieyès, who in general did not love the conservative legal corporations, was in touch with some of the protesting magistrates; for he boasts that he advised them to have the minister who had signed so manifestly arbitrary a decree arrested and hanged. "This step," he adds, "could not have failed of success; it would have won the applause of all France."[1] So early was the man of ideas ready with counsels of violence. However the King, swinging as usual with opinion, recalled the Parlement without the hanging of Loménie de Brienne, and promised a meeting of the States General for 1792.

About the middle of November, the provincial assembly of Orleans, which included representatives of the diocese of Chartres, began its regular sessions.[2] Its composition illustrates the new system of which it formed a part. There were twelve representatives of the nobles, twelve of the clergy, and twenty-four of the third estate. Of these one-half and the president, who was the forty-ninth member, were nominated by the crown; the crown nominees then chose the remainder—a system of crown and class representation very far removed from Turgot's scheme of 1774. At Lubersac's suggestion Sieyès was given one of the first places among the six chosen representatives of the clergy. His most prominent colleague and the most famous man in the assembly was Lavoisier, who sat as a representative of the third estate. The two men soon came together to fight for the cause of reform. Their chief fight was over the *vingtième*, the newest of the various fiscal burdens on the land, a tax as vicious in principle and apportionment as the rest of the French taxes of its day. The amount levied varied from year to year, but grew steadily. Officials fixed the contribu-

[1] *Notice sur la vie.*

[2] Its full title was the Provincial Assembly of the Generality of the Orléanais. The Generality was the administrative sphere of an Intendant. See below, p. 79. Neton's *Sieyès*, pp. 49 sqq., contains a full account of Sieyès' work in this assembly.

tions of individuals without appeal. A part of the burden was supposed to rest on the nobility, but in fact it lay almost entirely on the third estate and the peasants, Government now made the very proper suggestion—Turgot's suggestion—that the Orléanais should in future pay a fixed sum to the Treasury, and that the Assembly should apportion the burden among the various classes locally. Opposition came from the noblesse, who feared for their immunities; but the third estate was solid, Sieyès carried some of the clergy with him, and the suggestion of the Government was accepted with certain slight modifications. The new system was to come into operation from July, 1788.

Besides the matter of the *vingtième*, various proposals for encouraging agriculture and commerce, and for the institution of a national system of poor relief, came up for consideration at Orleans. Before the assembly ended its session, in December, it appointed a small commission of six to supervise the execution of its decisions and carry out the apportionment of the *vingtième*. Of this commission both Sieyès and Lavoisier were members. It met several times in the spring of '88, and at some of its meetings Sieyès presided; but the details of its work are of no great interest. For his part Sieyès, while not neglecting these provincial duties, kept in touch with Paris, where he always spent much of his time, for there he now hoped to find a far wider field of activity.

Loménie, still unhanged, was struggling against bankruptcy and the Parlement. In August he gave up the fight, announced that the States General should meet in the following May, and issued his notorious invitation to the thinkers of France to lay before the government and the nation their advice and their schemes for reform. With this invitation Sieyès' literary career began, and he became the best-known among the crowd of thinkers and talkers who responded—but not by his first reply. He was now full of confidence in the future. One day that summer, so the story runs, he was walking in the Champs

Elysées with Talleyrand, when they saw a member of the watch, which was charged with the police of the city, ill-treating a huckster woman whose stall stood by the way-side. A crowd began to gather and voices to rise. "That," said Sieyès, "is the sort of thing that will no longer happen when we have national guards in France."[1]

Loménie's invitation found him at Chartres. There he wrote swiftly a little book or big pamphlet with the cumbrous title—*Vues sur les moyens d'exécution dont les représentans de la France pourront disposer en* 1789. It was finished before Necker's recall to power,[2] and was in the press when Sieyès came back to Paris some weeks later, to find that the political atmosphere had changed. What he had written was a sober and relatively conservative exposition of the legislative rights of the States General, to which was appended a series of daring proposals for constitutional reform. Now he found that the King, on Necker's advice, had called a second Assembly of Notables to decide the method of discussion and voting in the coming States General. Were the three orders to vote separately, and was the third estate to have only the same number of representatives as the clergy or the noblesse? The court and a majority of the noblesse favoured the vote by order and the equal representation, a system that would leave the third estate helpless whenever the privileged orders chose to combine. Without hesitation Sieyès stopped the *Vues sur les moyens* in the press, and wrote in quick succession his two great fighting pamphlets, the *Essai sur les privilèges* and *Qu'est-ce que le Tiers État?* The first was published in November; the second, written while the Notables were sitting (December 6—12), appeared early in January, 1789. Their success led him to bring out the *Vues sur les moyens* a few weeks later, prefixing to it a note to explain the circumstances of its composition. All three were at first unsigned.

[1] Mignet, *Notices et mémoires historiques, Sieyès.* Talleyrand always credited the national guard to Sieyès. Brougham, *Statesmen of the French Revolution, Sieyès.*

[2] *Notice sur la vie.*

The *Essai* and the *Vues* each ran through two anonymous editions; the *Tiers État* was printed four times in 1789, but only the last reprint bears Sieyès' name.[1]

To follow and grasp the unfolding of his ideas and policy, the pamphlets should be studied in the order of their composition. The first—hurried in composition and defective in arrangement—illustrates the more cautious and statesmanlike qualities of his mind. Very little of what it has been the fashion to call his metaphysics is to be found there. He appears in this earliest work as a reformer who knows perfectly well what he wants, but knows equally well the difficulties in his way. The motto at the head of the second edition is explicit enough—"On peut, on doit même, élever ses desirs à la hauteur de ses droits ; mais il faut mesurer ses projets sur ses moyens."[2] After the motto comes an apology for hard words against the ministry; they were written under Brienne, and published under Necker. Yet even Necker must not be idolised; after all, he is but a minister, and it is for the people to work out its own salvation. The touch is characteristic: it was not desirable, in Sieyès' eyes, that any minister should become successful and popular enough to extend the life of the autocracy. Nor must the nation waste time digging in dusty heaps of precedent; it must seek a new Constitution, got by reason out of "the social art." ("The social art" is a favourite phrase with Sieyès: the inferior modern equivalent is presumably "applied sociology.") It is matter for thankfulness that the ministry has failed to heal the national ills without an appeal to the States General. Schemes for the healing of France abound, but they are mostly philosophical ideals;

[1] A centenary edition of the *Tiers État* and the *Essai* appeared in 1888, edited by M. Edme Champion. It contains the various readings of the original editions. The two pamphlets, with notes and alternative readings, fill less than a hundred pages.

[2] The first edition has simply "Il faut mesurer ses projets sur ses moyens." It is a pamphlet of 161 pages. The second is made rather longer by a few additions in the text and several footnotes. I have used this second edition.

the need of the moment is adequate means for turning ideal into fact. That the nation may not ignore means certainly available, the author will demonstrate three propositions—that the States General have the right of legislation; that they can exercise legislative power freely if they will; and that they can make the results of their deliberations permanent.

The first proposition was directed against those who, appealing to precedent, asserted that the Estates could only vote money and present *cahiers de doléances*, memorials of their grievances. Sieyès calls in principle, not precedent. Law exists to secure for the citizens free control of their persons and their property: therefore that power which has acknowledged control of taxation, that is of property, must be able to legislate for the owners of that property. And, moreover, if individual slavery is illegal, how can collective slavery of a nation to one man's will be part of the Constitution? True law can emanate only from an aggregate of individual acts of will. For convenience we accept as law the will of a majority—though, in great matters, something more than a bare majority may well be demanded. If we do not like the doings of the majority, we are free to try our fortune under some other government. For purposes of legislation, individuals transfer their powers to representatives; but—this with argument and much emphasis—they must be "true representatives," not "mere vote carriers," as some people picture the members of the States General. Nor is it possible to hold, with certain defenders of provincial customs and privileges, that any organised local community can possess a *liberum veto* on the acts of the central legislature: "such a right would be anti-political," would tend to break up French society. Sieyès had in mind claims like those found in the *cahiers* from Provence, that Provence should retain the right "de se gouverner séparément en qualité de co-état, de nation principale unie et non subalternée," or in the more striking demand made in his own hearing some months later by the deputies from Navarre, who reported that the Estates

of Navarre would not 'renoncer à leur constitution que lorsque la France pourrait leur offrir une constitution aussi bonne que la leur; en attendant, ils offraient et demandaient à l'Assemblée nationale de France un traité fédératif."[1] These provinces that the monarchy had never fully assimilated were likely to give trouble to reformers who did not stop to prove why, on the contract theory of society, they were under any obligation to become parts of a France regenerated by majority vote.

At this point Sieyès stopped to jeer at those who thought with Hobbes that, if society is based on primitive irrevocable contract, ancient institutions have an eternal validity, and to defend his own method against any who called it new-fangled and lacking in historical foundation. If his "art" was new, was it not noble? "Of all arts without doubt the first is that which is concerned in arranging the mutual relations of men according to some plan which will be the most advantageous to all. And I ask, must we here consult facts, like the natural philosophers? Which should be the true science, that of facts or that of principles?" And if facts were consulted—he added, taking strong ground—whose was to be the authoritative interpretation? Was any tolerable constitutional model to be found in French history? Why should the eighteenth century take counsel of the twelfth or of the sixteenth? "Let us not allow our representatives, whose task is to decide the fate of twenty-six millions of men, to lower themselves by fruitless quarrels, to offer the watching world nothing but the ridiculous and shameful spectacle of a mob of theologians wrangling about texts, tearing reason to rags, and at the end of all the pother achieving absolutely nothing."[2]

In the second section of the pamphlet Sieyès shows how the Estates can control all legislation through their control of the purse. The line of argument is what one would

[1] Brette, *Les limites et les divisions territoriales de la France en* 1789, pp. 33, 35.
[2] *Vues*, pp. 40—41.

expect, but it shows no docile admiration of English precedent. There is only contempt for the catchword "redress of grievances should precede the grant of supplies," since the Estates have power to redress their own grievances and need not drive suppliant bargains with the crown. Real control of government will best be secured by abolishing all existing taxes and creating a completely new system. For if the Estates confine themselves to the problem of the deficit, ministers may declare the nation bankrupt; the deficit will then vanish and with it the now superfluous Estates. The risk of such a bankruptcy is not greatly reduced merely because neither minister nor King has any right to repudiate the debt. So no labour must be spared to prevent this crime, a double crime, for bankruptcy will strike at both liberty and property. If it comes "we must for ever renounce our patriotic hopes." England will declare war and France will be left without credit, without honour, and without freedom.

Precautions will be required if the Estates are to become an efficient legislative assembly. No one must be punishable for his words or acts in Parliament. To avoid the licence and scandal that might result from the abuse of this privilege, a complete system of internal discipline must be set up. On these matters Sieyès is explicit and detailed; he mentions even the numbers of each class of parliamentary officials, sergeants-at-arms, and so forth. Whatever the merit of his details, it would have been well for France had his general advice been taken; for all the revolutionary assemblies lacked order and discipline. Another requisite for efficiency is the abolition of all irrational antiquated customs: there must be no voting by orders or sections, with possibilities of minority rule; if sectional discussion is found advantageous the final voting must always be by heads: nor can a particular province any longer claim the right of nominating the President of the Assembly.

Does anyone doubt the utility of legislation by large

assemblies that enjoy perfect freedom of speech? Does he dread the noise and the delay of popular government? It is because he has grown familiar with the quick and demoralising decisions of centralised despotism. Does another suggest moderation? A weak fool this, who has not learnt that at times only decisive measures tell. One thing is certain—any recognised limitations on freedom of speech will give the crown and the courts opportunities for interference with the legislature that certainly will not be missed.

Coming to the final demonstration, that the Estates can render their decisions permanent, Sieyès assumes that the work to be established includes a new Constitution. "I have the right to assume" these things, he says. Permanency will be guaranteed by well-considered parliamentary control of finance; to finance therefore he returns and sketches a plan for commissions of accounts, expenditure and assessment, reporting to and supervised by the assembly. Then follow the essential points of a good Constitution. Arbitrary power is unknown to it. The legislature has a definite organisation and is supreme in its own sphere. Justice alone will be the business of the Parlements, and there will be trial by peers, not by inquisitors. Education will become a national concern. The excellence of the legislative organisation will depend entirely on the system of representation adopted. Here follows a complete outline of Sieyès doctrine of representation. Of a second chamber there is no hint. The territorial unit of the scheme is the parish, the personal unit the elector with a small property qualification. "We may suppose that the parochial deputies will assemble by arrondissements, each containing twenty parishes, that forty arrondissements will form a province, and that fifty provinces . . . will nominate the national legislature, which will thus be in the third degree of representation."[1] In the second edition of the pamphlet a long footnote

[1] P. 130. The term "arrondissement" is found in connection with the provincial assemblies of 1787.

appears at this point emphasising the need for a re-division of France. The legislature will be permanent, renewable yearly by thirds. An intermittent legislature, said Sieyès, is as bad as intermittent government, and—theory apart—in France there is no security that a parliament once dissolved will ever again be summoned. The hundred and seventy-five years of autocracy since the last meeting of the States General are his justification.

In conclusion Sieyès expounds an ingenious scheme for "binding taxation to the Constitution and the Constitution to taxation," by limiting votes of supply to a single year and distributing the assessment of taxes and the control of local expenditure to the assemblies of provinces, arrondissements and parishes—somewhat as in the plan of 1787, save that he assigns far more real authority to these popular bodies. A postscript contains some further remarks on bankruptcy. It is argued that the nation cannot evade responsibility for the existing debts, since the King who contracted them has been hitherto its sole representative; that the rate of interest on the various issues cannot fairly be called usurious, since in each case it was fixed by the law of those days that consequently the nation is bound in honour to endure even fresh taxation, rather than rob the national creditors by acquiescing in bankruptcy. This was directed to the address of those democrats who talked easily of repudiating a burden laid upon them by the irresponsible governments of the past.

The *Vues sur les moyens* is an exposition of political method, fundamentally sound and well considered, and of political principle, logical and prophetic though disputable. What in it seems trite measures the need for radical change in the France of 1789. The *Essai sur les privilèges* and the *Tiers État* are from a different mould. They are as unlike the mass of Seiyès' work as a bitter premeditated electioneering speech is unlike the exposition of some new and intricate proposal by a politician bred in the schools. Easy and incisive in style, their appeals to

principle alternate with illustration, description, and passages of fierce sarcasm. All his hatred of the irrational and superstitious, all his bitterness and bourgeois envy, all his reformer's fear lest France should lose the great heritage of liberty and right that seemed so nearly hers, lent power to this savage assault on what he knew to be the key of the enemy's position—privilege.

The *Essai* opens abruptly—"It has been said that privilege means exemption for him who obtains it and discouragement for other people.[1] If this be so, grant me that this invention of privilege is a poor thing. Fancy the happiest and best organised State possible; is it not clear that to overthrow it utterly you need only exempt some and discourage others?" To avoid a "tedious and interminable discussion of fact," let it be granted that the origin of privilege was pure; still no one will deny that to-day privilege does one of two things—either exempts certain persons from the general action of the law or gives them the exclusive right to do something not in itself illegal. Now the aim of law is to protect liberty and property, and to render easier the fulfilment of the great moral precept, from which all positive law proceeds,—do no harm to your neighbour. To be exempted from the action of any particular law is to be endowed with a right to harm one's neighbours; provided the law in question is good, and such as are not should not exist. To have the exclusive right of doing anything not essentially illegal, that is to say morally wrong, is to rob one's neighbours of a part of their liberty. "All privileges then are, in the very nature of things, unjust, odious and opposed to the great end of all political society." The demonstration has no flaw.

But are not honorary privileges justifiable? No. "Reward the member that has merited well of the body; but do not perpetrate the absurd folly of abasing the body before the member." Let us not confuse privilege with reward. Distinguished services may be acknowledged by

[1] "Dispense pour celui qui l'obtient, et découragement pour les autres"—a not very translatable phrase.

promotions, perhaps by pensions, best of all by that public esteem which is their natural outcome, the reward which a nation gives or withholds at will, but never by privilege. For should a man who has been rewarded by the grant of privilege subsequently prove unworthy, "you have alienated in his favour, past recall, a portion of the public esteem. On the other hand, that respect which the nation bestows . . . is withdrawn the moment it ceases to be deserved"; at least in nations that are free or on the verge of freedom. If you dispute the argument I divine your motive—"you do not ask to be distinguished by your fellows, you seek to be distinguished from them."

Privilege demoralises the recipient, weakens his love of the common weal, and fosters the lust of domination. Look only at the privileged noblesse. They count themselves a race apart: they learn to loathe the people. In old lonely castles they worship the pictures of their ancestors, get drunk at leisure with the glory of descent from men who lived in the dark ages—a glory that they fancy to be theirs alone, despise the low callings of the townsfolk and esteem nothing but the past. "The bourgeois, on the contrary, his eyes fixed always on the ignoble present, or on that future which is of no account, prepares the latter and supports the former by his industrious ingenuity. He has not been, he is; he endures the burden and, what is worse, the shame of using all his intelligence, all his strength, in our real service and of living by labour that all the world needs. Ah! Why cannot the man of privileges return into the past to enjoy his titles and his grandeur, leaving to a stupid nation the present with all its sordid care!" The attack continues in the rising voice of the man of modest birth, who has been made to feel his social inferiority—perhaps by some ignorant Breton squire—and has long kept silence.[1]

Self-control returning, Sieyès adverts to the necessary distinction of governors and governed, but condemns all

[1] It was made more bitter in the second edition, from which the quotation comes.

superiority of persons as distinguished from superiority of functions. The recognition of superiority of function, we are asked to believe, neither puffs up nor humiliates. Hereditary superiority of persons is the height of folly and iniquity. "I shall not lower my reason by proving so palpable a truth." By confounding the just and reasonable doctrine of a social hierarchy with the preposterous absurdity of an hereditary privileged class, the noblesse and others have come to think themselves necessary elements in society. The military and the monkish spirits nourish this superstition, and lead those whom they delude to "see in a nation nothing but a great barrack." So complete is the delusion that they are blinded to the value of the true hierarchy of function. "Is there a single privileged person who counts himself inferior to a lieutenant of police?"

Society controls two great motive forces, honour and money. How do the privileged stand toward these? Honour, that should be reserved for toil and merit, comes to them without effort and without desert. Money they may not win honestly by trade, yet their position incites to lavish expense. So they beg and intrigue at court: for them are reserved all the richest posts in the army, the church, and the law. This monopoly provides for the state none but the least competent and most expensive servants. And as it would be unseemly for a nobleman to lack bread, the land is burdened with institutions for educating and sinecures for maintaining the poor gentry. The church, which at least performs a function and so should not be robbed, is drained of its resources to provide some of these noble mendicants with a living. Against this robbery of the laborious classes for the support of "privileged sterility" Sieyès rages without restraint, and the pamphlet ends with an appeal to all patriots to unite in the attack on the most dangerous and widespread superstition that the earth has known. Time must not be spent in needless battling with other superstitions. They have fallen already, but privilege is still strong.

The *Essai* has as postscript what French scholars call a "justifying document," an extract from the proceedings of the last States General, of 1614. It is a protest laid before the King by the Baron de Senecey, president of the order of the noblesse, against an address that the commons had submitted to the superior orders. Senecey said "I am ashamed, Sire, to tell you the words which . . . have offended us. They compare your State to a family of three brothers. They call the Ecclesiastical Order the eldest, ours the second, and themselves the youngest. To what miserable estate are we fallen, if this saying be true." When a second edition of the pamphlet was called for, Sieyès printed below Senecey's speech, which is all in the one strain, some words from Livy: "Ecquid sentitis in quanto contemptu vivatis? Lucis vobis hujus partem, si liceat, adimant. Quod spiratis, quod vocem mittitis, quod formas hominum habetis, indignantur."

This second edition did not appear until after the publication of the *Qu'est-ce que le Tiers État?* in the first week of January, 1789. The latter must have been in the press when the King in council decided (December 27th) to grant the third estate twice as many deputies as either of the others. This decision, however, rather increased the need for a further attack; for the hesitating council had not determined whether the voting was to be by order or by head, and it was necessary to drive home the fact that to give to a certain number of noblemen or clergy the voting power of twice that number of commoners would be a new and superfluous creation of privilege.

Everyone knows the four opening lines of *Qu'est-ce que le Tiers État?*—the battle cry of the wronged and ambitious commons. But for completeness' sake they must be repeated:—

"The plan of this work is simple enough. We must put to ourselves three questions:

"First: What is the Third Estate? Everything.

"Second: What has it been hitherto in our political system? Nothing.

"Third: What does it ask? To become something."[1]

Of every hundred who learnt this summary, perhaps ten read the book, and here and there one or two weighed the motto at its head—"So long as the philosopher does not overstep the bounds of truth, do not accuse him of going too far. His part is to indicate the goal; that goal must then be reached. If he stops by the way, and there raises his flag, it might deceive. The administrator's duty, on the contrary, is to regulate his advance according to the difficulties that he encounters. . . . If the philosopher is not at the goal, he knows not where he is; if the administrator does not see the goal, he knows not whither he is going . . ." To stir the many and advise the few was just what Sieyès intended, but he did not know—for no one knew—how mobile, stratum below stratum, French society would prove.

The inspiration of the lines that made Sieyès' fortune has been credited to that rather vagabond literary man Nicolas Champfort, a friend of whose wrote thirteen years later that he remembered how Champfort said in 1789 that he had supplied "his puritan Sieyès" with the formula "What is the Third Estate? Everything. What has it got? Nothing"; and that he wondered what Sieyès, "with that ill-cut iron pen of his," would make of it.[2] Claimants were likely to arise for the fame of the invention, and the Champfort story is vulnerable at half a dozen points. But as it may perfectly well be true and as there is no definite contradictory evidence, it deserves to be set down here for what it is worth.

In the first and best-known part of the *Tiers État* Sieyès expands an argument suggested in the *Essai sur les privilèges*. The third estate is "all" because it includes all directly productive labourers, from peasants to merchants, all who render personal services, from professors to

[1] The first edition has: "A y devenir quelque chose." In the second the "y" is dropped.

[2] *Lettres de J. B. Lauraguais à Madame . . . dans lesquelles on trouve des jugemens sur quelques Ouvrages . . . une conversation de Champfort sur l'Abbé Sieyès*, etc. Paris, An X., p. 161.

lacqueys, and nineteen-twentieths of those who serve the state in army, church, justice or administration. Starting from economic premisses, Sieyès undertakes to prove that the noblesse is an evil excrescence on the body politic, "that it may well be a burden on the nation, but cannot form a part of it." He excludes the clergy from this condemnation because their privileges are attached to the function not the person; because the church is not a caste but an open corporation; and because the average priest does definite work which the nation has hitherto required. But the noblesse as a body serves no useful end, so has no place in the nation. There is a further reason for censure and exclusion. A nation is "a body of associates living under a common law and represented by a single legislature." So the noble caste, not subject to the common law and enjoying a separate political organisation, is an *imperium in imperio*, and a bad one.

Hitherto the Tiers has been nothing, crushed into subjection by those who claimed to rule it by right of conquest, represented—if at all—mainly by persons recently ennobled or official possessors of temporary privileges, its members excluded from the best administrative posts unless they showed adequate servility. The noblesse has been everything. "Remove from our annals a few years of Louis XI., a few of Richelieu, and some moments of Louis XIV., where you see nothing but naked despotism, and you would fancy that you were reading the history of an aulic aristocracy." In proof of this, appeal can be made to the people's invincible habit of distinguishing the King from the actual rulers. "It has always regarded the King as a man certainly deceived, and so defenceless amid an active and all-powerful court, that it has never thought of blaming him for all the evil that is done in his name."

To judge of what the Tiers asks "by the isolated observations of certain authors more or less instructed in the rights of man" would not be just. By consulting the addresses that the great municipalities have sent to the

Government, one finds that the demands are remarkably moderate, amounting really to no more than the desire "to become something." They are these—that the representatives of the Tiers in the States General shall be genuine members of that order; that they shall at least equal in number those of the privileged classes jointly; and that voting in the States shall be by head. Too modest rather than too ambitious, the recognition of these demands would hardly suffice to break the vast power of the noblesse, founded upon monopoly of place and patronage and the ownership of wide estates. The demands must be regarded but as the necessary minimum. If the first be not allowed it would be logically possible that one privileged order, or even one privileged individual, should be chosen to represent the whole nation, which is absurd; and in practice it is certain that the provincial agents of feudalism would manage the elections in their own interest. There are able commoners enough, and among them the electoral districts must choose. Is it argued that this is an unwarrantable interference with the freedom of choice? The reply is that "in no sphere can there exist an unlimited liberty or right." In support of his point Sieyès inserts an exaggerated and oddly prophetic illustration. "I imagine that France is at war with England and that the control of hostilities on our side lies with a Directory composed of representatives of the nation. In this case, I ask, should we allow the provinces, under the pretext of not shocking their liberty, to choose for the Directory members of the English Government?"[1]

Take the second demand. Disproportionate representation is in itself absurd, and so far as can be known the clergy numbers about 80,000, the noblesse 110,000 and the commons 25,000,000.[2] Let the commons only remember that the power of the noblesse is a mere shadow of what it was, and this shadow will seek in vain "to terrify a whole

[1] Ch. III., section 1.

[2] There are two interesting pages of statistics and explanations in support of the figures.

nation.) A note explains that as the clergy are almost all grown men and the noblesse are not, it is a mistake to advocate a smaller body of clerical than of aristocratic representatives. Further, "when the curés come to take that position among the clergy to which they are called by the force of things, the Tiers will see how nearly its interests were concerned in reducing the influence of the noblesse rather than the influence of the clergy."

Sieyès declines to repeat commonplace arguments in favour of the vote by head. "I have but one remark to make. There certainly are abuses in France; someone profits by these abuses. They hardly profit the Tiers; to it above all are they harmful. Now I ask whether it is possible, this being so, to destroy one single abuse, so long as the veto is left to those who profit by it?" He passes on to criticise the measures of reform and relief tried by government or suggested by the noblesse. Provincial assemblies had their good points, but were spoiled by the mass of privileged people who were made to represent the commons. Sieyès knew a case where out of fifty-two members there was but one real commoner. The Notables were a complete failure, condemned to fail in advance by their composition. Such suggestions as that the noblesse, of their grace and charity, should offer to bear their share of the taxes, or that in questions of finance only should the voting in the States General be by head, are illogical, insufficient, and insolent.

After filling two pages with the eulogy of those writers from the privileged classes who had defended the cause of reform, pages that would be less immodest had they not been anonymous, Sieyès turns on the Anglophiles. Imitation of England is condemned on the most cogent grounds. The English nobleman has but a single solid legal privilege, his seat in parliament. How is France with its endless nobility to organise a House of Lords? Will the lesser noblemen yield their privileges for nothing? Are they not likely to cling to them, get seats in the Commons and vote with the Lords? Englishmen admit

grave defects in their parliamentary system. Why then imitate it? Their liberty is due far more to trial by jury and the absence of a standing army than to the rather dubious composition of parliament. Supposing even that their Constitution is an admirable thing, "if you try to naturalise it in France, there can be no doubt that you will readily secure all its defects, for they will be of use to the only power from which opposition is to be feared. But will you secure its merits? This is more questionable; for here you will have to face a power whose interest lies in hindering you." (No: the English have done well, amazingly well, when the date of their Constitution is considered; but let us do better.) And let us not be discouraged because history offers nothing that will serve; for we have with us a surer guide.

What government ought to have done admits of no question. (The nation should have been called upon to make a Constitution, or to modify the existing Constitution if there be one;) and some say there is. Drawing on first principles, Sieyès shows how a nation must abide by the Constitution that it adopts until that Constitution is regularly modified. (Modification cannot be the work of a simple parliament; it requires a special convention.) See what confusion arises in England from neglect of the distinction between constitutional and ordinary laws. Even now they are quarrelling about the regency. "M. Fox is wrong in not wishing the nation to confer the regency on whom and how it pleases. . . . M. Pitt deceives himself in wishing to have the question decided by parliament. (Parliament is incomplete . . . because the king, who is its third member, is incapable of an act of will. . . . Extraordinary representatives of the nation *ought* to be called for. . . . They will do nothing of the sort. It would be the era of a good Constitution." With us, the king might have summoned such a convention. He has no power to make a Constitution, but, as things are, he is a very fit person to set Constitution-making machinery in motion. The nation should have been grouped

by parishes and arrondissements into provinces of uniform size. (Like a wise reformer, Sieyès never feared repeating himself.) And as for division into orders, voting by orders—precedent can no more make two and two five than make two or three hundred thousand people depositaries of two-thirds of the national will.

But the past is past. With the Tiers État rests the future. There is no place for conciliation and compromise. Either the Tiers must abolish "the abominable remnants of feudalism" or it must soberly legalise them: and how can it do that? It has force on its side: "to-day it is everything, the noblesse a name," and it can do as it pleases. Its deputies, if they will, may refuse to sit with those of the nobility and the clergy. "But they alone, you say, cannot constitute the States General. Well: so much the better! They will form a National Assembly." The first two orders may vote their own taxes, if they like; the Tiers will simply decline to pay any taxes that they do not share with it. Upon questions of general national interest the deputies of the commons, of the overwhelming majority, will alone be competent to legislate. An alternative and less startling course would be an appeal addressed by the deputies of the Tiers to the nation, "the sole competent judge of differences that affect the Constitution," asking it to elect a fresh body of special representatives, or empower its existing representatives to do the work of a national convention.

Again, before the pamphlet ends, Sieyès repeats his doctrine of the nature and scope of law and shows how it cannot be reconciled with privilege. ("I picture to myself the law," he writes, "at the centre of an immense globe; all citizens, without exception, lie at the same distance on the circumference and all occupy there equal places.") Once more he asserts that his task is to speak truth. Others must use it, as strength and opportunity are given them. They must not misunderstand his method, nor "confound the course of the politician with that of the philosopher." The road along which the

politician struggles must first of all "have been cut to the end by the philosopher." But, as politician or as philosopher, he can find no room for two privileged bodies in an ordered society. As well might one try to find room for a malignant disease in the tortured body of a sick man. It must be counteracted, and the healthy play of the organs so restored, that it may never return to poison the springs of life.

It is singularly easy to produce a solemn array of exceptions to the opening aphorisms of *Qu'est-ce que le Tiers État?* War cries are seldom historically accurate, yet these are vastly more accurate than most. As it happens, Sieyès anticipated in the pamphlet itself much of what has from time to time been said in criticism of the statement that in politics the Tiers was "nothing." He knew, and explicitly stated, that commoners had long filled all branches of the public service. Everyone knew that the intendants, the first administrative servants of the crown, were normally commoners. It was of the essence of his argument that the power of the commons was everywhere, except "in the political system." In the official taxing, law-making, governing organisation of France, they had no adequate place by right, only an inadequate place by the favour of those who were not their betters. His argument is merely confirmed, not traversed, by pointing out how easy it had been to secure patents of nobility and offices that carried privilege; how wealthy were the chief commoners; how completely the management of all economic affairs was in their hands, so much so that in the cahiers of '89 one of their complaints was that noblemen cultivated their own lands and sold their own corn, instead of leaving these bourgeois occupations—and their profits—to farmers and other plain folk.[1] He knew all this and said—let political go with economic power: let an able commoner receive honour in his own name, not have to buy honour

[1] Kowalewsky, *La France économique . . . à la veille de la Révolution*, pp. 11—12.

with a patent of nobility. That he underrated the services of the noblesse of his day to the state is certain enough; had he not done so *Essai* and *Tiers État* would not be the party pamphlets that they are. And the essentials of his case are so powerful that one may well doubt whether it was really strengthened, even for fighting purposes, by this ungenerous and probably deliberate *suppressio veri*. In any case his method is reprehensible; yet political warfare since his day has been waged with far dirtier weapons than are found in *Qu'est-ce que le Tiers État?*

"All Paris," and all the France that could read, knew about the book. Nearly every contemporary memoir-writer talks of the impression that it made. Copies were posted to provincial towns, and perhaps some of its portable phrases reached the villages. As soon as the author's name was known, Sieyès found himself one of the most popular men in France, a man whom travelling foreigners wanted to look at. He was wintering as usual in Paris, watching the beginning of the elections, and awaiting their result. All around him was the ferment of a new life. Political clubs were springing up from ground that had been well prepared for a generation by Masonic lodges, literary societies, philosophic societies and the like—those organisations of men with a common aim, whose rise has been called "the great historic fact of the eighteenth century," whose traditions and methods prepared the way for organised Jacobinism.[1] Of the new political clubs the most important were those of Adrian Duport, which met in the Marais, and the "Club des enragés," whose headquarters were in the Palais Royal. Sieyès said that he belonged to neither, but he said it at a time when connection with the memory either of Duport or of the lord of the Palais Royal was a thing to avoid; and a well-informed admirer gives him a prominent place in Duport's society.[2] The scales dip

[1] See Cochin, *La crise de l'histoire révolutionnaire* (1909), pp. 55, 62.
[2] *Notice sur la vie* and Œlsner's *Bruchstücke*, p. 12.

somewhat on the side of the admirer. With one club he was certainly connected, the Club de Valois. He seems to have been among its founders, in February, 1789, and its character throws light on his position and frame of mind at that time. For it was "perhaps the only club in which similarity of opinion was not a strict condition of entry"; the only one that did not refuse or eject dissentient minorities, in good party style; so it had no direct influence on the course of the Revolution, and it faded away in 1791. Gentlemen of all sorts met there with educated tolerance—Calonne, Lafayette, Fersen whom the Queen loved, Condorcet, Mirabeau's friend La Marck, Lameth the demagogue nobleman, Hérault de Séchelles who drafted the Constitution of 1793, and Talleyrand who lived to go on embassy to King William IV. Here it was that Sieyès listened courteously to Montlosier's criticisms of *Qu'est-ce que le Tiers État ?* [1]

With all his courtesy, Sieyès was prepared for violent measures. He actually wanted violence it would sometimes seem. What, it may be wondered, did Montlosier say of the passage in which he criticised the theory, favoured among the nobility, that they ruled France by right of descent from the Frankish conquerors of Gaul. "The Tiers need not fear to go back into the past. It will go as far as the year before the conquest; and as it is now strong enough not to let itself be conquered, its resistance will doubtless be more effective. Why should it not send back into the forests of Franconia all those families who preserve the absurd pretension of being descended from the conquering race, and of having succeeded to their rights?" Very fairly, the force of to-day is set over against a claim based on the force of old time. A logical retort in all probability; but when the emigrants began to flee over the Rhine it looked like part of a matured plan, as conceivably it was.

[1] Challamel, *Les clubs contre-révolutionnaires*, p. 32. Pasquier, *Memoirs*, I., 59. Montlosier, *Memoirs*, I., 190, and above, p. 38.

At what time Sieyès began to make acquaintance among the future leaders of the party of action and violence in Paris, men like Danton, Marat, and St. Huruge, who met at the Café de Foy in the Palais Royal, does not appear. He was acquainted with some of them after his election to the States General,[1] but this was not unnatural, as he sat for Paris. Acquaintance never developed into real political alliance, but it has some significance in connection with the part that he played later in bringing the king under the control of the capital. He was also acquainted with the Duke of Orleans, who knew most of the distressed and the discontented, and helped him with his pen. In consequence, many reckoned him among that gang of intriguers who tried to grasp for the Duke power, and perhaps a throne, through the coming storm. Elections for the States General were beginning. All over France representatives of the communes were gathering to the electoral assemblies of the Bailliages, the Bailiwicks, whose business it was to choose deputies for the States General and draw up the cahiers of grievances, local and national, which were to serve as instructions for those chosen.[2] From the circle of Philip of Orleans was spread through all his vast domains an *Instruction donnée par Monseigneur le Duc d'Orléans à ses représentans aux Bailliages. Suivie de Délibérations à prendre dans les assemblées.* Sieyès wrote the *Délibérations*, and his own story of how he came to do so runs in this way: he had drawn up and thought of publishing a series of suggestions for the guidance of members of the local assemblies. Copies were handed about among his friends, some of whom begged him to help the Duke in this matter, representing to him how influential any document with the Orleans imprimatur was

[1] Robinet, *Danton homme d'état*, p. 43.

[2] It is not necessary here to enter into the extraordinary complexity of the electoral system. The Bailliage, an ancient judicial area, was not to be found everywhere. See Brette, *Documents rélatifs à la convocation des États Généraux* and *Les limites et les divisions territoriales de la France.* Champion, *La France après les cahiers de* 1789 and *Histoire Générale*, Vol. VIII., Ch. I.

likely to be. He would not write to the Duke's order, but allowed his MS. to be printed intact at the end of the *Instructions*, which were the work of Choderlos de Laclos of the inner gang. Talleyrand tells the same story with slight changes of detail, which show that he wrote from independent knowledge and did not merely reproduce Sieyès' narrative. He also confirms the Abbé's statement that these were his only dealings with the true Orleans party. As Talleyrand was in a position to know, and those who make Sieyès an out-and-out Orleanist were not, his decision—in the absence of other evidence—should be final. Nor is it true, as some contemporaries asserted, that the advice of Sieyès was "copied religiously in the communes of which . . . Orleans was lord." Modern study of the cahiers themselves has shown this to be a myth.[1]

The *Délibérations* rank with the *Vues sur les moyens*, not with the great aggressive pamphlets. Sieyès the statesman, with experience of local assemblies, is beating his way along the road marked out by Sieyès the philosopher, versed in the social art. He is addressing in particular representatives of the Tiers État, many of them wholly inexperienced, and much of his advice is powerfully practical—how the Bailliage meeting should be organised, who should be chosen to preside, how business should be conducted. The rest deals with matters that he considers fit to be inserted in the cahiers. Firstly, a protest should be entered against the composition of the protesting meeting itself. This was defective in many ways, to the disadvantage of the non-privileged class. For instance, the nobles and clergy of the Bailliage came in person to the meeting and chose their deputies directly. Country communes chose electors to represent them there, some townsfolk chose only electors of electors. Sieyès believed

[1] *Notice sur la vie.*, Talleyrand, I., 208 sqq. Beaulieu, I., 344, and Ferrierès, p. 137, make Sieyès an Orleanist. The copying story is in Beugnot, *Memoirs*, I., 115, its correction in *Histoire Generale*, VIII., 43 (M. Champion). For the episode see also Chassin, *Électeurs et cahiers de Paris*, IV., 25.

in indirect election, but not in preferential treatment of classes. After the protest, the representatives of the Tiers must renounce every exemption or privilege that any of their own number may chance to enjoy. For they are to remember that destruction of privilege and the limitation of the power of the Crown, by means of popular control of taxation, are the two greatest aims to be kept in view. Next, they may instruct their members to oppose the division of orders in the National Assembly, as Sieyès calls it, and to support the doctrine that law should only be made by the representatives of the majority of the nation. Existing taxes should be abolished in principle, but retained pending the completion of a new fiscal system—fatal advice, that France was to follow—, and the national debt should be consolidated.

The legislative assembly is to be rendered independent and permanent, and to take the orange-tree form. A declaration of rights must be drafted. Again a new term is used in confident anticipation; the States General now appears as the Constituent Assembly. Taxes and punishments are to be made uniform. Liberty of person, thought, speech, writing, buying and selling are to be recognised and secured through the jury system. Then follows the scheme for a representative Constitution; then that for the re-division of France, with a new argument in its favour—it will help to unify the country. Representatives in parliament are not to be bound, only advised, by their instructions, and they must be paid by their constituents, not by the crown.

The great constitutional principles alone are to be put in the cahiers; many other matters may for the present be postponed, perhaps left over for later legislative assemblies.[1] Sieyès knew how great a task he was blocking out for that first free parliament, and he did not wish to overburden it. He wanted the commons to "ascertain the fundamental part and begin with that," not to plunge into miscellaneous

[1] Condorcet also advised short concentrated cahiers. Cahen, p. 88.

legal and administrative reforms and lose sight of the constitutional bases of liberty. Political privilege must go at once; minor forms of privilege—game laws perhaps—may wait. So may the jury, the reform of weights and measures, of the police, the army and the postal system. The feudal abuses and local grievances connected with land tenure may wait also. Before steps are taken to deal with them, the communal assemblies might be further consulted. Sound logic this, but is it sound politics? Could Sieyès not imagine that all his talk of constitutions, his scientific regularity in reform, his splendid indifference to local interests, would be incomprehensible to the millions of peasants who made up the nation? The only major reform that they understood was the lightening of the taxes, and on this his advice was the worst conceivable. Probably he could imagine these things as well as we who know what the end has been. He certainly did not assume that his policy was natural and obvious. He knew that what was local was likely to drive what was national from the minds of his readers, as in the event it very often did. And if he thought that the peasants, who had waited so long in despair, might be persuaded to wait another year or two, but now in hope, was he altogether stupid? He had neither accurately measured the strength, nor fully ascertained the direction, of the social forces that were making for revolution; who had or has? His "knowledge of man" did not tell him just how the combination of ignorant passion and rigid principle would work; but that is a problem in political chemistry which even yet lacks exact solution. Some violence he surely anticipated, but not such violence as he lived to know. For the blunders and miseries and crimes that were to come he shares a direct responsibility; but, save to those who hate the whole modern world, he has also his little share in the glory of its architects.

## CHAPTER III.

### THE CONSTITUENT ASSEMBLY AND THE FIRST SCHEME OF CONSTITUTIONAL REFORM.

SIEYÈS did not stay in Paris during the whole of the spring of 1789, for he had to take part in the elections. At the end of February Bishop Lubersac instructed him to act as his proctor in the assembly of the Bailliage of Montfort l'Amaury, between Versailles and Dreux. He had a similar proxy from the Vicar-General of Orleans. Arrived at the place of meeting, on March 16th, his friends hoped that he would be chosen to represent the clergy; but he was not. Beyond handing in the two votes that he carried, he took no recorded part in the work of the assembly. He was not on the commission that drafted the cahier, a famous document of which he must have approved, for Montfort l'Amaury was one of the three Bailliages in all France where nobles, clergy, and Tiers État joined in the drawing up of a common cahier. Apparently a strong opposition to him was worked up among the clergy by a disreputable cleric and noted stock-jobber, by name the Abbè d'Espagnac. And so about the end of March Sieyès came back to Paris with nothing accomplished.[1]

Most of the elections were now over, but those of Paris had not yet begun. The electoral assemblies of the capital did not start work until April 21st, and did not finish until more than a fortnight after the official opening of the States General on May 4th. The electors of the commons of Paris resolved as soon as they met, in accordance with Sieyès' own emphatic advice, that they would be represented only by commoners. But a *Liste des amis du peuple*

[1] Thénard, *L'Abbé Sieyès électeur et élu*, *La Rév. Franc.*, Vol. XIV., 1083.

*qui méritent de fixer le choix des électeurs de Paris* had been circulated broadcast, and this list contained, side by side with Target and Brissot, the names of members of the privileged orders, among them Condorcet and Sieyès himself. His admirers wanted to see him at Versailles, and as this was the last chance they worked hard and just succeeded. On May 20th, after the resolution of exclusion had been overruled on the plea of a technical irregularity—it had not been entered on the minutes—, the twentieth and last place in the deputation was secured for him. In spite of the influence of Bailly, Sieyès' candidature was opposed to the last, and protests against his election were made both in the electoral assembly and in the States General. No doubt he justified his acceptance to himself, as he tried to justify it in public on the day of his election, by his entire sympathy with the cause of the commons and the good work that he would be able to do. But the protests showed that many reformers were not satisfied, and some muttered that "he had betrayed in advance the cause of which he claimed to be the advocate."[1]

The Paris deputies were presented to the King on May 24th, and on the 25th Sieyès took his seat at Versailles. He found that, after three weeks' negotiation and obstruction, no settlement of the fundamental difference between the Tiers and the Noblesse had been reached. The Tiers desired a general "verification of powers," the orders sitting together: this was to serve as a precedent for the claim of the vote by head. Appreciating their strategy, the nobles held out; the clergy seemed half inclined to yield. On March 28th, the nobles at length voted decisively that the division into orders and the veto of each order on the decisions of the others were constitutional principles. Yet for another fortnight discussion went on: then, at Sieyès' suggestion, the Tiers began to fight.

[1] From a letter quoted in Brissot's *Memoirs*, I., 190. For the election, see Chassin, *Électeurs et cahiers de Paris*, II., 311—312, III., 250. Charavay, *Procès-verbaux de l'assemblée électorale de Paris*. Bailly, *Memoirs*, I. 59.

From the first he had been in touch with the leaders of the commons. Together with Mirabeau, Grégoire, Barnave and many others, who were not long to remain allies, he frequented that Breton club from which the Jacobins traced its descent. It is almost certain that the plan for the open fight with the representatives of privilege was arranged there, and that Sieyès was informally chosen spokesman of his adopted order.[1] There is nothing improbable in the story that on the morning of June 10th, he said to the admirers who greeted his entry: "Let us cut the cable; it is high time."[2] That at any rate was his attitude; for he laid at once before the house his proposal that a deputation should wait on the clergy and the noblesse, to demand their presence at the "verification of powers" and to inform them that, in any event, the Tiers meant to proceed with it, and to treat all who failed to appear as no true members of the States General. The motion was carried with a single amendment—their presence was invited, not harshly demanded. Next day the reading of the roll-call of all the orders and the verification of their powers began. Some moderate reformers were alarmed, but Sieyès was cool and confident, though he knew the immediate future was doubtful. He amazed Mounier by speaking freely of his wish to abolish all the privileges of the noblesse. Asked what his means were, he quietly replied: "We shall find some. At least we must stake out the ground; what we cannot finish our successors will carry out."[3]

By June 15th, the verification was complete, but only a few curés had answered the invitation of the Tiers État. Sieyès rose again, before a crowded house and galleries filled with spectators, among them Arthur Young. "He speaks ungracefully and ineloquently, but logically, or,

[1] Aulard, *La Société des Jacobins*, Introduction. Dumont, p. 100. Grégoire, *Memoirs*, I., 350.
[2] It is found only in Michelet, *La Rév. Franc.*, I., 34.
[3] Beaulieu, *Essais*, I., 139.

rather, reads so, for he read his speech, which was prepared," is the Englishman's comment.[1] The argument of the read speech is that of the pamphlets: since his audience were the "recognised and verified representatives" of ninety-six hundredths of the nation, they alone could interpret the national will. No other body whatsoever could veto their decisions. He proposed that they should declare themselves the "recognised and verified representatives of the nation." This produced a two days' debate. Mirabeau criticised Sieyès' cumbrous phrase, and Sieyès in the end accepted the less accurate but more inspiring title of "the National Assembly," suggested by an obscure member from Berry. It was a name that he had often used by anticipation, and it was adopted on the grounds that he had been advocating for months, by 491 votes to 80.

The court decided to resist. A royal sitting was announced and the assembly hall closed. It was on the morning of the 20th that the evicted commons met in the Tennis Court and swore not to yield or separate until they had made the constitution. Mounier proposed the oath in order to check a more extreme proposal—that of proceeding straightway to Paris. This was Sieyès' plan. It can hardly have been the result of concerted action with the Parisian leaders, for exclusion from the hall came as a surprise; but it shows that in yet another fateful instance the Revolution followed the course that he anticipated and desired. Nothing is known of the plan but the fact that he was its chief advocate.[2]

On the 23rd, after the bulk of the clergy had at length decided to join the commons, the King came to put down Sieyès. He gave his orders, withdrew, and was disobeyed, Mirabeau talked of bayonets only driving the commons from their post and Sieyès said, with less splendour but equal effect: "Gentlemen, do you not feel that you are

[1] *Travels in France*, I., 110.

[2] Mallet du Pan, *Memoirs*, I., 165. Mallet had the story from Mounier. Bailly, *Memoirs*, I., 189.

to-day all that you were yesterday?"[1] He urged his colleagues to stand fast for the constitution. They agreed, and the King—beaten and irresolute—gave way, ordering the noblesse to join the commons on the 27th. Not all of them obeyed, but now the great formal obstacle to action was gone. On July 6th, therefore, a committee of thirty was appointed to undertake a preliminary examination of the constitutional question. One last difficulty remained. Some deputies felt bound to uphold the exact views expressed in their cahiers, bound by ancient precedent to a theory of representation which Sieyès had steadily denounced. But after some discussion, in which he took the part that one would expect (August 7th—8th), the doctrine of imperative mandates was rejected, a decision which, though it attracted comparatively little attention, was rightly counted by Malouet one of the most critical in the early stages of the Revolution.[2]

The report of the first constitutional committee, on which Sieyès did not sit, was all but forgotten in the tumult of July. Since March, the whole land had been filling with riot and contempt of the law, riots of the hungry or the greedy, riots of the unemployed, refusals of whole communes to pay the old taxes, extortions from seigneurs of the abandonment of ancient manorial rights. The teaching of Sieyès and his party was applied all hot. "Never was there a richer prey for the conquerors" Camille Desmoulins was writing home. "Forty thousand palaces, mansions, chateaux, two-fifths of the wealth of France, will be the reward of bravery. Those who claim to be conquerors will in their turn be conquered and the nation will be purged."[3] Now troops gathered about Paris, Necker was dismissed, a ministry was formed from the court party. In the assembly Mirabeau thundered

[1] This is the version of the famous mot given in a *Lettre sur la Séance Royale du 23 Juin*, 1789, published in 1791. It was not an isolated remark, but part of a speech. The copy of the 1791 pamphlet in the British Museum has "par Sieyès" written on it, though it professes to be the work of a mere observer who made notes.

[2] Malouet, *Memoirs*, p. 298.

[3] Taine, *La Rév.*, I., 43.

against the appeal to force, and Sieyès supported him with one of his single sentence speeches;[1] in Paris the powers were forming that would bring both crown and parliament under the control of those who ruled the city. Whilst the guns were being turned on the Bastille, at Versailles a second constitutional committee was chosen to do the work which, from that day forward, the court had no power to hinder. On that committee sat two Bishops, Talleyrand and Champion de Cicé of Bordeaux, two counts, Clermont-Tonnerre and Lally-Tonnendal, Sieyès himself and three commoners, Mounier, Chapelier and Bergasse. The same day a request came to Sieyès from the general assembly of the electors of Paris for a plan of a municipal constitution;[2] two days later his colleagues on the committee asked him to draft a Declaration of Rights. Before July was over he published both in pamphlet form.[3]

The Declaration of Rights, or rather "the examination and reasoned exposition of rights," exists in various shapes. It was freely modified and annotated by its author from week to week during July and August,[4] while the debates on these doubtful fundamentals trailed on and old French society collapsed. There came the Grand Peur, that marvel of popular psychology or of secret manipulation, when at once and everywhere "people said that there were enemies, that the English had landed," as the curé of a village in the heart of France wrote in his parish register.[5] And with this "great fear" came the National Guard that Sieyès had desired. But the Guard did not prevent the rural revolution or the foul

[1] He said that no deliberative assembly would count itself free enough for discussion with a circle of troops about it, and illustrated his opinion by a reference to the Estates of Brittany.

[2] Chassin, *Électeurs et cahiers de Paris*, I., 174.

[3] *Reconnaissance et exposition raisonnée des droits de l'homme et du citoyen* and *Quelques idées de constitution applicables a la ville de Paris.*

[4] There were at least eight editions or reprints in 1789, the differences being in some cases considerable. For these see below.

[5] At Lavaufranche: Creux. *La Rév. Franc.*, LII., 83 (1907).

and often premeditated political murders in Paris and the provinces. Sieyès clung to the hope that it would suffice, and to the belief, natural in a good party man fed on sound party news,[1] that "the popular vengeances and the incalculable disorders" were to be traced exclusively to the reactionary policy of the court. He said so in a strange preface to one of the August editions of the Declaration. The old charge of talking metaphysics had galled him. Your average Frenchman, he writes, thinks everything metaphysics except his "private affections and his habits." Try to prove that men have only made progress by listening to new notions; that also is metaphysics. A few years back English politics were metaphysics. Still more recently it was the proof that legislative power belongs to the nation, not to the king. When we asked; What is the Third Estate?; they said the reply was metaphysics. So he runs over the list of his slain. Now it is the necessity of maintaining internal order by means of the "local militia," and of keeping the army to its proper business, that they call metaphysics. But there is nothing metaphysical in those vengeances and disorders that are the result of forgetfulness of principle, forgetfulness of metaphysics.

From this same edition of the "examination of rights" we learn that Sieyès' fastidious taste rejected a "declaration in detached maxims in the American style." He did not wish to make the complex appear simple, and only consented to draw up such a document at the urgent instance of friends. In the first edition—that for the committee—the declaration is an appendix to the examination. Some of the leading principles were explained in an earlier chapter, but there remain points of interest to be considered. In the preamble it is asserted that though the assembly has a mandate for constitutional work, yet none of that work can become permanently binding until

[1] The distortion of fact as selected or created by "patriot" news purveyors throughout the Revolution is well illustrated in M. Cochin's *Crise de l'histoire révolutionnaire*, Ch. 6—8.

a specially chosen convention "shall have given that consent which strict principles demand." An honest but astonishingly ill-timed proposal—two assemblies needed to make a Constitution, and those "minor" reforms for which the nation chiefly cared apparently to be left over for a third.

The examination is dignified, elevated, and uncompromising. Had anyone told Sieyès that some of its claims were inopportune he would have answered, though in other words, "the Lord God hath spoken; who can but prophesy?" It tells how man, with his capacities and his wants, faces, utilises, opposes the powers of surrounding nature; "his industry moves onward to perfection" and his capacities are "indefinitely progressive." His fellows he may treat as contributors to the common good or as obstacles to his personal comfort. This latter view underlies all societies based on force, leads to inequality of rights, and is in essence evil. Strength gives no right; rebellion against a force-imposed yoke is eternally legitimate. Social relations based on the free recognition of the truth that men are workers together for a common good are alone just, and are of necessity beneficial; they must never be treated as encroachments on a fancied natural liberty. From the primary right of ownership in one's person flow the rights of ownership in one's actions and work and in the material property that they produce. The right to landed property is not on quite the same footing as other proprietary rights, but "this is not the place to explain it." These rights of ownership carry with them freedom to go and come, to speak and write, to work, exchange or consume, saving always the interests of others. But the bounds of freedom must in every case be traced by certain and known law. To protect liberty and property, the state must control two distinct forces, one to check civil crime and one to repel external aggression. Protection against the greatest of all evils, the abuse of powers granted to individuals for the public good, can be secured only through a good Constitution.

Society confers other benefits besides mere protection; of these, succour for the unfortunate and aged, education for the young, and a wise management of foreign affairs so as to promote international intercourse are but samples.

The aggregate of all the means, persons, or things whereby these various ends are attained is called the public establishment. Its nature and the relations of its parts are freely determined by Constitution-making representatives. Once made, it must obey the rules laid down by its makers.

The natural and civil rights so far discussed are those rights "for the maintenance of which society is formed; and political rights are those by which society is formed." The former may be called passive, the latter active rights. "Women, at least in the present state of society, children, aliens, and those who contribute nothing to the support of the public establishment should exert no active influence on public affairs." Within the prescribed limits, however, these active rights must be the same for all.

Whereas a "political association is the work of the unanimous will of the associates," the choice of means for promoting the welfare of the association must necessarily, and mainly for reasons of convenience, be the work of a majority. Thus for most purposes the will of the majority is reckoned as the will of the nation. From that will all authority flows. A tax that has not that will behind it no man need pay. No post of influence and power can become the property of an individual; for it is held as a delegated duty, not as an inherent right.

There is no need to follow out all the applications of these principles in the declaration which Sieyès reluctantly appended. It contains the obvious conclusions upon such matters as privilege, arbitrary arrests, arbitrary punishments, and the responsibility of officials. But a few of the clauses raise fresh problems of importance in the study of his teaching and tactics. There is, for instance, the clause that was quoted by Louis Blanc to prove that

there lay in him the germs of socialism[1]—"every citizen who is unable to supply his own wants has a right to the assistance of his fellow citizens"; or, as it runs in another edition, every citizen incapacitated or unable to get work "has a right to help from society, provided he submits to its orders." This is only the socialism of the workhouse. Sieyès, as economist, and he had sound economic knowledge, was of his day. He had rejected the physiocratic system in early life, because it was "formal and insufficient"[2]—a very just summary,—to become a follower of Condillac and Adam Smith, a lover of economic freedom, and a hater, above all things, of state monopoly. Another important clause deals with constitutional revision. Already, strong in the faith of progress, Sieyès contemplated an eventual reconstruction of the new constitutional machine. "A people has always the right to review and reform its Constitution. It is even well to determine definite periods at which this revision shall take place, whether it be pressing or not." An amazing doctrine to have proclaimed in July, 1789, it is said: yet a true doctrine. Constitutional revision need not mean constitutional reconstruction; and there are certain minor constitutional readjustments which every nation would do well to make periodical. That the doctrine was true was all Sieyès cared to know. The period which he suggested was not unduly short; thirty-three years, that every man might have the chance once in a lifetime of consenting to that Constitution "upon which his happiness depends." Sieyès was in a minority. Few besides Condorcet[3] at this time agreed with him; but he believed in his own metaphysics, and we moderns revise our Constitutions quite as often as he suggested.

The clause that raises a question of tactics is the thirty-first in the earliest of the Declarations. It deals with

[1] *Hist. de la Rév.*, III., 43.
[2] *Notice sur la vie.*
[3] Cahen, pp. 59—90.

official responsibility, making exception only in the case of the king, "whose person is always sacred and inviolable." This exception reappears in one or two later versions and then vanishes. The question is not one upon which a man of Sieyès' stamp was likely to change his opinions within a few days. Inserted, it may fairly be supposed, as a concession to opinion, the clause was withdrawn, as his fear and hatred of a reactionary court made him increasingly disinclined to allow any such compromise with principle. The "first official," like all the rest, must accept responsibility. Already the shadow of the knife hangs over the king.

That Declaration of Rights which stood at the head of the Constitution of 1791 recalls neither Sieyès' habit of mind nor his phraseology. General resemblances of principle abound; but such are of no significance. And in view of the history of his scheme it would be futile to seek any closer connection. Champion de Cicé laid it before the house, remarking unkindly that perhaps more genius would be required to comprehend all its perfections than one could hope to find in the majority of Frenchmen. It was discussed with other schemes; each of the many general committees into which the assembly was at that time divided then presented a new draft; that of the sixth committee was taken as a working base; finally the articles were recast in turn and voted in a week of debates towards the end of August. Not one of the amendments came from Sieyès, who by that time had lost his first influence.

The scheme for the municipal government of Paris stands in no very close relation to the law of June, 1790, which established the first modern Parisian Constitution. There are of course many points of contact, but the main interest of the scheme lies, not in its connection with subsequent local government law, but in the revelation that it makes of a consistent plan of national reform which Sieyès was expounding at the time to his colleagues on the constitutional committee, a plan much of which

they eventually adopted.[1] He sets out to treat of Paris from two points of view, as a department or province of France and as a municipality. He works like a mathematician from postulates, or like Condillac from principles. The first is that France is to be re-divided. And the second—"we have no intention whatever of subjecting the National Government, nor even the tiniest municipal governments, to the democratic *régime*." In connection with the proposed re-division, the term department occurs for the first time in his writings; but it was not of his invention. It had been used to describe electoral areas laid out when the provincial assemblies of 1787—8 were created, areas whose boundaries have left deep marks on the map of France.[2] New divisions, we know, had long been popular. Were they needed, or were they a fad of philosophers greedy of any new thing? The troubles of the royal government, when convenient and tolerably uniform areas were for any purpose required, are the best defence of the men who made the departments. In spite of a thousand modern maps, France was not divided in 1789 into provinces as England was divided into counties. Neither the government nor anyone else knew how many provinces there were in France. The term was applied to regions with limits that were determined with tolerable accuracy—nothing was quite accurate in old France—and possessed of some organised local life of their own, like Brittany, Languedoc and Navarre; and also to all kinds of vague districts like Upper Auvergne, the Maconnais, the Pays de Gex, Bugey or Bresse; even to a mere Bailliage or to a Generality, the fiscal and administrative sphere of an Intendant. The Bailliages, that served as constituencies in 1789, were antiquated judicial areas. In many districts they had never existed and had to be created *ad hoc*. The ancient military

[1] For Sieyès' share in the Parisian discussions—here omitted—see Lacroix. *La Commune de Paris*, II., 185—188. Cahen, *Condorcet*, 155 sqq.

[2] Prof. Aulard's review of Brette's *Les limites et les divisions territoriales de la France* in *La Rév. Franc.*, LIII., 81 (1907).

Governments had long since lost all significance; nor did they correspond in the least to any other territorial division.[1] Generalities, the newest divisions of all, were almost equally unsatisfactory. Few men knew off-hand just how many Generalities there were. Languedoc, a live province, was cut into two Generalities, but oddly enough there was only one Intendant—was it one or two? And the crown constantly altered the sphere of an Intendant, so that there was territorial uncertainty connected with the Generality. Moreover, the Generalities had no really systematic subdivisions. It was, in short, absolutely necessary to divide France in a definite satisfactory fashion for administrative purposes, and the choice lay only between readjusting, subdividing, and then fixing an old division—probably the Generality—and adopting some new but not of necessity more drastic scheme.[2]

Sieyès was now writing of eighty-one departments for all France. Paris with its banlieu was to have the full departmental position. It would be divided into nine districts, each district into nine quarters. The ordinary department, which would measure approximately eighteen by eighteen leagues, would contain nine great "communes," of six leagues by six, each commune nine "cantons" of two leagues by two. Sieyès takes this opportunity of sketching his whole system of complex representation. Each canton or quarter will have its "comitia" or primary assembly of all "active" citizens, more than one if it is very populous; above it are the assemblies of the commune, the department, and of France. The number of representatives sent by the canton to the communal assembly will vary—of course, with a fixed minimum—according to the active population, the amount of compulsory taxation, and the amount of voluntary

[1] *E.g.*, Havre was a Government as well as Normandy.

[2] I here merely summarise M. Brette's results in his *Limites . . . de la France.* Most references to the subject in English are misleading.

taxation that the canton carries. At each upward stage exactly the same rules will apply; and every department will have in parliament three representatives of its territory, and a number of extra representatives varying in the way described. As the total membership of the National Assembly is to be 720, a department of average population, wealth and public spirit will have nine deputies and can hardly fall below six. Paris, with its immense population, will have forty-four. The primary assemblies have no permanent existence: they are simply meetings of electors: all the upper representative bodies exist continuously and are renewed each year by thirds. For the present the qualifications for "activity" are to be—legal majority, French nationality, a year's residence in the constituency and the payment of three livres per annum as a direct voluntary tax. In the future there are to be stricter and better rules. By the payment of twelve livres a man becomes eligible for election as a representative. Sieyès anticipated that his voluntary tax would one day bring in a great revenue and become an important factor in determining the relative influence of departments. It was not intended to act as a means of exclusion, save for the very lowest social strata and those who took no interest in public affairs; nor need it have so acted to any serious extent. Compare it, for example, with the tax-paying qualification imposed in connection with the new provincial assemblies and municipalities in 1787. In that case no one might vote who did not pay ten livres to the chief tax of the day, the taille. The effect, in one instance that has been carefully studied, was to exclude not more than two-fifths of those who paid taille from the franchise;[1] and few heads of households, however humble, were exempt from the taille. Or to put it in another way—a rural labourer who found himself in food could earn on the average in the France

[1] The figures have been examined for the 119 parishes of the "election" (a subdivision of the Generality) of Orleans. Bloch, *Études sur l'Histoire Économique de la France*, p. 132.

of 1789 nearly a livre a day, an artisan rather more than a livre, skilled men in exceptional trades two to three livres.[1] A fairly close equivalent in contemporary England would be twopence a week in voluntary taxes for the franchise. Naturally much depends on the level of the compulsory taxes; but in any case the proposal was not burdensome, and its idea is quite worth the consideration of modern democracy.

The various bodies described so far were part of the electoral machinery connected with legislation; each chose from its own number a deputation to proceed to the one above it. But the assemblies of "communes" and departments were also to have certain administrative functions. The big commune was the unit for all purposes of local self-government; the canton was merely an electoral and administrative area. To Sieyès, control of finance and the militia were "legislative" branches of administration—probably he had English precedents in mind—, which lay within the competence of bodies connected with law-making. So the communal and departmental assemblies would each appoint two "directories," small administrative committees, to supervise these matters. Further, in order to provide for true "representative administration," these bodies and the primary assemblies were to compile lists of persons fit for administrative posts. From these lists the officials of canton, district or department would be chosen; all the officials—schoolmasters, policemen or justices. At the summit was parliament's national list from which the king would select generals, diplomatists, judges or ministers. It is assumed that such branches of administration as public works or education would be centralised, with the safeguard that local officials would enjoy the confidence of the locality—or, as a modern

[1] Wage calculations in eighteenth century France are very uncertain. See Levasseur, *Histoire des classes ouvrières . . . avant* 1789, II., 836.

might put it, the confidence of the caucus of the local majority.[1]

In the case of Paris details are worked out further; for its size rendered an extra grade in the hierarchy of assemblies necessary. Lyons also, Sieyès suggested, might require this extra grade. Ordinary towns, it would seem, were to be merged in the organised life of the "communes" in which they lay; but the point is not dealt with explicitly. Territorially, Paris was conceived of as one commune of an ordinary nine-commune department, a department which would have its departmental assembly and departmental administrative "directories." But this pre-eminent commune was itself to be raised to departmental rank. Instead of an ordinary communal assembly and directories, it would have a legislative council of two hundred, from which six small committees of the directory type would be selected to supervise the great divisions of urban administration. As it was all-important that the seat of parliament should not be overshadowed by ministerial authority, Paris was not to be put under the ordinary government offices: it might even be necessary to give her ministers of her own above whom were only parliament and the crown. As a further indication of her privileged position the King was to be Honorary Mayor of Paris, the President of the Assembly Honorary Deputy-Mayor. The actual head of Parisian life was to be called the Regent, and he would be chosen directly by all the active citizens. It was for him to nominate all officials from the citizens' lists of eligibility; all save one, the commandant of the municipal guard, who, like the Regent himself, would be elected by the people. Such is the Parisian scheme.

The constitutional committee, appointed on the day that Sieyès was invited to draft this scheme, contained a majority hostile to his policy of thorough. But during July and August the force of the party which they

[1] Sieyès held that administration proper fell under four heads—Justice and Police, Education, Public Works, and Foreign Affairs.

represented, the party of moderate reform after the English pattern, had been failing. Week by week feeling ran higher. Emigration had begun, and the tactics of many of the chief among the aristocracy were rendering the assembly more hostile towards compromise with the past. The rural revolution, approved at Versailles by the anti-feudal snatch-vote of August 4th, made effective compromise well-nigh impossible. During the debates on the Declaration of Rights, it became apparent that the majority was swinging towards Sieyès and beyond him. Before dealing with the other events of August with which he was concerned, it will be well to follow the strictly constitutional story in its relation to his doctrine. At the very end of August, Lally and Mounier—the leaders of the majority on the committee—explained the proposed bases of the new Constitution. There were to be two chambers. With the lower rested the exclusive right of initiating money bills. They were to meet every year, but the king might dissolve them at will and he might veto their decisions. This was a striking instance of imitation, not of English practice, but of English precedent. There was to be a high property qualification for members of parliament. Members of the upper house, or Senate, might be taken from any class in society. It was suggested that the king should select them from provincial "lists of eligibility." Of course, there were to be independent judges, a responsible ministry, and other essentials of constitutional monarchy.

This report was discussed unsystematically, as the Assembly found time, during September. Within and without the House, the main attacks were directed against the second chamber and the royal veto. Paris was exercising pressure on Versailles, and Paris was fanatically hostile to both. Meanwhile the break-up of the old order, and especially the swiftly-growing power of democratic communes both in town and country, complicated the task of the Constitution-makers. Already in the second week of August they had handed over to the communes

the care of public order, the control of the National Guard, and the task of disarming suspected persons. Later in the month they were instructed to supervise the corn trade.[1] At Versailles the dearth of corn, the lack of order, the emigration, and the suspected intrigues of the court constantly occupied debates intended for more abstruse constitutional matters, and placed their mark on constitutional decisions. For, as is well known, it is at least as true to say that the first French Constitution was made piece by piece to meet pressing needs, as to say that it was the result of an appeal from history to political theory.

During these September debates, Sieyès rose to discuss the state of the nation and the question of the veto.[2] Of the veto he made short work. Had not the King himself said that he was one with the nation, an integral part of it? How then could he have rights of interference with the expression of the national will? Such inequality of political rights would lead straight to despotism, just as other types of inequality led to class tyranny. By all means grant the King the right to attend representative assemblies of every grade; but he should be the first servant of the law, not its maker. It was most desirable that on all matters he should give the nation the benefit of his experience and advice, but that was no kind of reason for weighting his will. If he could strangle law, why could he not also create law? The royal veto was "a lettre-de-cachet against the will of the people."

Sieyès disliked the municipal revolution of the provinces. It smacked too much of Rousseau. He feared that it might transform the nation into an inorganic association of tiny and strictly democratic communities. Therefore he contrived, in the latter part of his speech, to associate federal democracy with the royal veto, treating both as

[1] The connection between these revolutionary communes and the municipalities organised under the edict of 1787 is pointed out by Bloch, *Études sur l'histoire économique de la France*, p. 150.

[2] I use the *Dire . . . sur la Question du Veto Royal*, as issued in pamphlet form, not a report of the speech. The date was September 7th.

retrograde proposals. To encourage either would be a sacrifice of the national welfare to individual, local, and sectional interests. Further, concessions to pure democracy were hindrances to the establishment of a real representative system. Let the Assembly appoint a committee to draw up a plan of municipal and provincial government that would preserve representation and the unity of France. Incidentally, he attacked imperative mandates and direct appeals to the people, as concessions to pure democracy. Representatives, he maintained, existed to declare the national will, not to obey the wills of some handful of constituents. And in a country that was not a democracy—a thing France never could be—the people should neither speak nor act but through its tried and chosen leaders.

Returning to the veto, Sieyès allowed that in England it might have its merits. It might, for example, be used to prevent parliament from tampering with the Constitution; but in France there was to be a clear line between constitutional and ordinary laws. If the various powers created by constitutional law disagreed, appeal would lie to a new constituent assembly. A veto on ordinary legislation was utterly unreasonable, since the monarch was at least as fallible as the legislators. Nor was there the smallest need to set up a veto in order to secure cautious and deliberate law-making. This could best be achieved by dividing the assembly into three sections and discussing every bill in each section. If all were agreed there could be no doubt of the national will. Rash innovations would certainly be blocked in one or other section. There is only a brief explanation of this proposal, which Sieyès had already put forward in a footnote to *Qu'est-ce que le Tiers État*[1]; he will be found bringing it forward a third time in 1791. It was his great expedient for legislation without upper chamber, and was equally effective as a means of doing without the royal veto. He now con-

[1] Page 79.

cluded his short account of it by insisting on the folly of "putting the regulator outside the machine"; and in his peroration, after defending the system of the renewal of parliament by thirds against the advocates of general elections, he again demanded "a small committee to report on the municipalities and provinces, so that France might become one, under a single legislature and a single executive."

The aim of all this could not be clearer. His colleagues had rejected the great design indicated in the pamphlet for Paris. He wanted a more sympathetic committee, and he had his way. In the end he failed to carry either the proposed tripartite single chamber legislature or the abolition of the royal veto. After rejecting a senate by a vote of September 10th, 1789, the assembly went on to create a single chamber, with no safeguards against hasty legislation, and to give the king a suspensive veto that helped to destroy the monarchy and did no good to the country. But the great design for representative legislation and administration had better, if not perfect, fortune. After the bulk of its proposals had been rejected, the committee of July 14th was cleared away. Four of its members—Sieyès, Talleyrand, Lally and Chapelier—found seats on its successor. Their new colleagues were Target, Thouret, Rabaud St. Étienne and Démeunier. Chosen on September 16th, the new committee had a full report on the re-division of France and the representative system ready within a fortnight. They were quick because they accepted Sieyès' scheme with but few modifications. Some years later Sieyès grumbled that "none of his plans were adopted without mutilation and a mixture of other matter"[1]; yet not many legislative drafts have ever been more completely the work of one brain than was this. Thouret read it on September 29th; its begetter contented himself with exposition and criticism in a pamphlet published three days later. But he allowed the draft to be

[1] *Notice sur la vie.*

printed among his works and, quite apart from any such evidence, the method, most of the proposals, the half-mathematical style of exposition, and often the very phrases are manifestly his, though some of his pet schemes are omitted.[1]

It is assumed in the preamble that a complete system of representative government, "the only government which befits a free people," is to be organised, and "a new system of municipal and provincial administration" to be founded. As legislation and administration should have common bases, "the organisation of each great district in the kingdom ought to be so constituted as to serve both for the formation of the legislative body and for that of the various classes of administrative assemblies." The common bases are treated in order. First—the territorial base. Of old divisions there are plenty, Dioceses, Governments, Generalities, Bailiwicks (the Province, it will be noted, is not so much as mentioned); "but since the order which the constitution is to establish is a new thing, why should we subject it to ancient imperfections which vex its spirit, and would hinder its effects, when reason and the common weal order us to avert this double danger?" So France is to be divided—as we expect—into eighty-one departments, Paris being the eighty-first, each containing nine communes of equal size, each commune nine cantons.

Second—the personal base. It is assumed that France contains about 4,400,000 active citizens, an assumption that proved to be only 100,000 too high, a venial error in the pre-statistical age.[2] These will gather in primary assemblies, containing on an average some 600 members. Every canton, however thinly peopled, will have its primary; a canton which contains from 900 to 1,200

[1] It is in Ebel and Œlsner's edition of his works (1796), I., 529. The original is in the *Moniteur*, also in pamphlet form; Sieyès' comments in his *Observations sur la Rapport du Comité*, dated October 2nd.

[2] Aulard, *Hist. Politique*, p. 66.

active citizens will have two primaries, one that contains from 1,500 to 1,800 three, and so on.

Third—the fiscal base.[1] This is laid in the principle that "the region which contributes most to the needs and support of the public establishment, should have a proportionate share in the control of the establishment"; for territorial equality is "but apparent and false," unless supplemented by some recognition of tax-paying capacity. The reference in this section is to "direct taxes," presumably of the usual compulsory sort. Sieyès was apparently out-voted in the matter of the voluntary tax.

Upon these bases the whole delicate structure of representative legislation and administration is built up, very nearly according to the plan sketched by Sieyès in July. Only the amplifications of that plan and the few divergencies from it need therefore be explained. To qualify for "activity" a citizen must pay not three livres in voluntary taxes, but the local money value of three days' labour in direct taxes—unskilled labour presumably, worth about a livre a day. The change from Sieyès' proposal is clearly intended to avoid injustice resulting from local variations in wages. For membership of communal or departmental assemblies double this contribution is necessary; while members of the National Assembly must contribute a marc of silver—something like sixty livres.

The national legislature contains 720 members plus the members for Paris. No man may sit in successive assemblies—"in order to avert the aristocracy of prominent families, who manage to secure appointments in perpetuity, even when those appointments are elective." Sieyès agreed to this disastrous penalising of legislative experience; he referred to the matter in the Paris pamphlet. His motive was no doubt the same as that of his colleagues, fear of the influence of families that might tolerate the Revolution, but would never like it.

[1] "Base de contribution."

On another important question he and his colleagues were apparently not in agreement. The report seems to assume general elections: it certainly makes no reference to renewal by thirds, a serious omission for Sieyès. But among the members of the National Assembly one-third are to represent territory, one-third population, and one-third tax-paying capacity. The departmental electoral assemblies have a membership of eighty-one, similarly composed. The "communal" assemblies are, however, not compounded in this intricate fashion. They represent numbers alone, one for every 200 active citizens meeting in the primaries of the cantons. It seems that the committee was reluctant to push complicated election too far down the scale.

The electoral assemblies have no part either in legislation or administration. Every department and "commune" has its administrative council.[1] That of the department is composed of delegates from the councils of its nine constituent "communes," after the now familiar plan: eighteen representatives of territory—two from each commune—eighteen of heads, eighteen of purses; these all distributed among the communes in proportion to their population and their tax-paying capacity. The communal councils, like the communal electoral assemblies, are chosen in a simpler fashion. Each has twenty-six members. Once chosen, both they and the departmental councils are to divide themselves into two sections—the council properly so called, a deliberative body, whose orders to be binding will require the royal sanction, and the directory, a purely administrative body, whose members may, however, join in the discussions on the council. Neither section has any real legislative or judicial authority; nor can either do more than arrange for the expenditure of monies allocated to it from above. Communal administration is strictly subordinated to departmental, departmental to national, that is to the king, the chief executive official of

[1] "Administration provinciale" and "administration communale."

the nation. Without such subordination, "the monarchical government which the nation has just confirmed would degenerate into democracies in the heart of the provinces." This ideal of centralised control is characteristically French, but it was never realised under the Constitution of 1791, because from the first the leaders of the nation did not trust the crown.

There are here alterations and developments, and one very conspicuous "mutilation," of Sieyès' system. A "list of eligibility" is not so much as mentioned. On the other hand, the administrative councils of department and "commune" are to have continuous existence, being renewable by halves every two years.

The committee followed Sieyès in applying the term commune to large areas, and in making these communes, as Thouret read, "the true units or political elements of the French Empire," in order to emphasise its opposition to the village communes that already existed from Artois to the Mediterranean, and from Brittany to the Rhine. Each "commune" had, besides its directly-elected communal council of twenty-six, a mayor and deputy-mayor, also chosen by the primary assemblies. These authorities were to have agents and offices in every parish, village, and hamlet within the thirty-six square leagues of the normal commune. The object of making this unit of local self-government so large was to ensure a sufficient supply of intelligence, and to reduce the risks of undue influence by prominent individuals which may arise in mere parish meetings. Its obvious defect was its unfamiliarity. Long before the Revolution France possessed the rudiments of organised village life. There were commons to be stinted, open field agriculture or irrigation to be controlled; and, if power lay mostly with the bailiff, the peasants had some habits of corporate action. In 1787 Government had made a beginning of political organisation. With the rural revolution and "the great fear," further political organisation had followed as a matter

of course. People could not be expected to group themselves into squares of six leagues by six.

This attack on the village communes was in part and for a time successful. By vote of November 12th, 1789, the Assembly, it is true, rejected the exact proposal of Sieyès and the committee, when it decreed that there should be a municipality in each "town, village, parish or rural community." But by the law of December 14th a definite attempt was made to weaken the democratic element in these tiny self-governing units, and to subordinate them to the administrative assemblies of districts and departments, which were organised much as was proposed in Thouret's report. And the insistence on "activity" as a qualification for all who would participate in local politics further checked village democracy. Yet throughout the later crises of the Revolution the village municipalities grew stronger and stronger, whilst the upper assemblies faded or were extinguished.[1] When the extreme Jacobin party captured the municipalities in 1792 and 1793, Sieyès witnessed much that he had foreseen and tried to avert from the first.

If further proof were needed of the extent to which Thouret was inspired by Sieyès it can be found in the gracious, if slightly patronising, tone of the Abbé's very interesting *Observations on the Report of the Committee*.[2] The report, which is exceedingly difficult reading, is here expounded, or on occasion criticised, in simple popular style. Re-division is justified and explained. There is, writes Sieyès, no desire to abolish what is good in the old provincial life, but it is intended that the new system shall weld all France into one. By all means let a man call himself a Breton or a Provençal if he likes; but Sieyès hopes that he will now as a rule prefer to call himself a

[1] See Aulard, *Hist. Politique*, p. 59.

[2] It is ostensibly anonymous, but—apart from external evidence—it contains such sentences as this, following a quotation from his acknowledged writings—"l'auteur que nous venons de citer, et pour qui toutes les idées que nous examinons ou que nous exposons ici, sont depuis longtemps familières, a cru, dans son écrit sur Paris," etc.

Frenchman. The committee really does not intend to cut up France into geometrically perfect squares, as you might perhaps suppose from its reference to departments "measuring eighteen leagues by eighteen" and districts "six by six." Boundaries will be made to coincide so far as possible with existing lines of cleavage. Perhaps large provinces that now have definite limits may be allowed to retain those limits, being merely sub-divided into departments; and so on.

Part of the pamphlet, as usual, is given up to a defence of representation on philosophic and economic grounds. The social benefits resulting from highly-developed organisation and from the division of labour in all spheres are fully expounded, with polite acknowledgment to Dr. Adam Smith. Conclusion: That representation, with its systematic division of political labour, is the typical civilised method of government, direct democracy with its confusion of functions the typical barbarous method. Indirect election is a device for excluding all tincture of ignorance and barbarism from the body that makes the laws. "Simple folk may quite well be unable to form a really sound judgment as to the qualities needed in a member of the legislative body; but they will make no mistake when selecting the most trusty man of their canton to make that choice which is so vital to the common weal." So those who arranged how the President of the United States should be elected also thought; but neither they nor Sieyès foresaw the workings of the party machine.

In defending the distinction between active and passive citizens, Sieyès makes it perfectly clear that he at any rate had no desire that the latter should be many. He regrets that for the present women must remain passive. Among men, he regards the class as composed mainly of vagabonds and the scum of society, and he anticipates that "good laws will reduce it steadily to the very minimum."

With an unusual measure of good humour, Sieyès adverts to the neglected members of his system, the

lists, the voluntary tax, the appointment of officials by the various electoral assemblies to supervise taxation and the militia, and the solemn ceremony of initiation into the duties and rights of active citizenship that he hoped to see established one day. These, he observes, had been counted premature by the committee; but "as what to-day is premature will some day cease to be so," each is inserted here in its proper place. But no reference is made to the renewal by thirds. As Sieyès would have referred to it, beyond all question, had it been regularly rejected, it may be supposed that the committee had postponed decision. Dealing more in detail with the stages in the electoral system, he approves the plan by which the complex representation of land, population and wealth does not come into operation at the first stage. He allows that he had advocated its use even there in the case of Paris, but he was not anxious to see it tried in the provinces, and was willing to abandon it for the capital. This is probably the one occasion in his whole career on which Sieyès publicly abandoned an expressed opinion with a good grace. As a further defence of election by stages, he argues that without it the proportionate representation of the different interests in society would be unworkable, and adduces the great gain in having a representative assembly to watch each grade of administrative officials. The last words of the pamphlet are a dark reference to the lists of eligibility, the need for which is to be fully established at some "fitting season."

As the committee had used Sieyès, so the Assembly used the committee; pruned its scheme, but approved the essentials. Departments, districts, and cantons were created, so was a system of elective administration. What was done with the communes we already know. "Activity" as defined by the committee became a quality recognised by the law. Thanks to Mirabeau's support, Sieyès' initiation ceremony and his carefully revised lists of active citizens, to which the committee

had given little attention, were both adopted.[1] But the hierarchy of electing bodies was simplified, partly as the result of Mirabeau's criticism. Communal electoral assemblies were wiped out. The departmental electors, every one of whom had to pay "ten days' labour" in direct taxes, were to be chosen by the primaries of the cantons. They were then to meet at the departmental capital, and there nominate the three representatives of the territory and the varying number of representatives of the population and tax-paying capacity of their department. These members of Parliament must pay the "marc of silver" in taxes, and they must be landowners; a notable addition, a relic of Voltaire's doctrine of citizenship. So at least the original law of December 22nd, 1789, stated. But the law did not stand. All the measures that linked political privilege with wealth became the battle-ground of the pure democrats and that party in the assembly which had stiffened the anti-democratic proposals of the committee. "The marc of silver" was especially unpopular, far more so than the qualification for "activity," which did not exclude many efficient citizens from the franchise. During the constitutional revision in the summer of 1791 both the marc and the landowning qualification disappeared. But by a skilful manœuvre a property qualification was imposed on the departmental electors, who were likely to choose men from their own number to go to Parliament.[2] Sieyès took no part in the later debates. As he grew more suspicious of direct democracy, it is possible that he voted for some of these restrictive devices, but they all differed greatly from his original test of public spirit in elected persons, the payment of twelve livres in voluntary taxes.

Nowhere in Sieyès' earlier writings or speeches is to be found any pronouncement on the question of the

[1] Dumont, p. 199. Bailly, III., 231.

[2] For the revision, and constitutional history generally, see Aulard's *Hist. Politique.*

relationship of the ministry to the national assembly. The bulk of his colleagues, like the makers of the constitution of the United States, held that the selection of ministers from parliament was an improper confusion of executive with legislative functions. It is well known how disastrous were the results of their decree of November 7th, 1789, excluding members from the ministry. From the first Mirabeau pointed out the danger of too strict an insistence on the doctrine of the separation of powers; but it was precisely jealousy of men like himself that made the majority hug their principle. Apparently Sieyès agreed with Mirabeau. He was not a separation of powers fanatic. The principle, which is enunciated so uncompromisingly in the sixteenth article of the Declaration of Rights, is not found in his Declaration; and though the trend of his doctrine is in its favour, he never said that a member of the national assembly might not be placed on the national "list of eligibility." Certainly he wanted to see a ministry formed from the liberal side of the Assembly in 1789—90, and he condemned the decree of November. His wish very probably rested on expediency or ambition, like his first acceptance of a place in the States General; all that can be said is that he could have made out a case for it without swallowing explicit professions. Some time in the summer or autumn of 1789 Mirabeau was playing with the idea of a patriot ministry, in which Talleyrand was to have the Foreign Office and Sieyès the Ministry of Education.[1] Later in the year Sieyès is said to have discussed the patriot ministry with him at Condorcet's house. At first the Abbé rejected the notion of office for himself, but afterwards agreed to become "minister of the sanction." No one can guess what the ministry of the sanction was; perhaps the guard of the King's political conscience, claimed by Sieyès in a fit of bad temper after his failure to kill the royal veto; perhaps

[1] Bacourt, *Mirabeau et la Marck*, I., 412.

a deliberate mystification of Lafayette, who tells the story and mentions that Mirabeau and Sieyès were both angry with him that night, and he could not think why.[1]

Long before November Sieyès had lost his place as a leader in the Assembly, a place which under no circumstances could he have permanently held, since he was not made for popularity. He became disgusted, discontented, apprehensive for the future of the nation that he could have organised, that others were like to ruin. The position that he had won in June he threw away by his well-known and determined defence of an unpopular cause in August; nor need we seek an explanation of his failure, as he did, in the calumnies and intrigues of the Lameths and other noble demagogues, who joined the Commons as a means of arriving, and so tried to discredit possible competitors. The unpopular cause was that of the clergy; the tithe was the point at issue. In the beginning, Sieyès had declined to include his own order in the sentence of superfluity passed on the noblesse. Now he showed a seeming tenderness towards ecclesiastical interests that still provokes anti-clerical scorn. Yet his speech on the abolition of tithe is sound in argument and consonant with his principles throughout. Delivered by anyone but a priest, it would probably have been well received, though it could hardly have changed the voting. As he was a canon and what not, his colleagues suspected him of bias; and he was a canon with so sharp a tongue that their suspicions fumed into certainty.

On the great but overrated night of August 4th neither Sieyès nor Mirabeau happened to be in the House. "Just like our Frenchmen," said Mirabeau, "they spend a month quarrelling about syllables, and in one night they overturn all the ancient order of the monarchy."[2] Sieyès was equally scornful, not at the overthrow of what he called feudalism, but at the hurry, the implied indifference to proprietary rights, and the probable effect of the votes

[1] Lafayette, *Memoirs*, IV., 9.
[2] Dumont, p. 145.

on a disorganised nation. During the week from August 4th to 11th, while the original brief resolutions were being turned into something more nearly resembling laws, he twice showed his irritation in the debates on the tithe.[1]

The original proposal was that, in connection with the abolition of feudal dues and rights, tithe should be turned into a tithe rent charge, which could be redeemed by the payment of a lump sum. But during the later discussions Mirabeau and others advocated simple abolition. In his speech on August 10, and in a little pamphlet issued some days later, Sieyès explained his views on Church property and the abolition policy. Tithe, he argued, was in origin not a tax, but a voluntary payment. Having become harmful it must be abolished, but with discretion. To abolish it, without even making preliminary arrangements for the compensation of those who would suffer, was unstatesmanlike and unjust. Abolition as proposed would mean simply a gift of many millions to landowners. All land had changed hands innumerable times since tithe began, and the capitalised value of the tithe had of course been deducted from the buying price. If there was to be confiscation, the State, not the landowners, should be the beneficiary; but the proper course was redemption. The proceeds of redemption should be used at first to support the clergy, but should be transferred gradually to teachers of another sort. It is not just, Sieyès further argues, to neglect the proprietary rights of bodies corporate. True, the State may kill such bodies, but it must in that case only take their goods when the life interests of the usufructuaries lapse. So long as the Church exists and does at its own expense work required by the nation—as it actually does, for its property was given to it, not to the State—confiscation will be robbery. Every right of property is respectable,

[1] I use the *Observations sommaires sur les biens ecclésiastiques* and the *Opinion . . . sur l'arrêté du 4, relatif aux dîmes, prononcé le 10 août.* Neither quite represents the original speech, but the arguments are the same. For the whole question, see Sagnac, *Législation civile de la Rév. Franc.*, pp. 89, sqq.

and a benefice is property of the best kind, for it passes constantly from hand to hand, and those hands are often poor.

Sieyès' argument is packed in angry self-defence and savage taunting of his opponents. "They want to be free and they know not how to be just" is the refrain. Their distrust of the sincerity of a priest is a vulgar superstition. "I have not the least doubt that those who pursue with so much fury the clergy of the eighteenth century would have been the first to offer superstitious flattery to the clergy of the twelfth; the same principle would guide them in both cases—obedience to the reigning prejudice."

That it was the right of property—though possibly coupled with some class or personal interest—for which Sieyès was jealous, is shown in a memoir on the redemption of feudal dues that he drew up in the last week of August. This memoir, which was not read in the Assembly, seems to have been laid before the constitutional committee. It was then officially printed and forgotten.[1] It starts from the usual but unsatisfactory division of feudal rights into rights over persons and rights to receive payments for the use of property. The latter, being themselves a form of property, cannot be abolished without compensation. Sieyès has in mind mainly the *cens*, or ancient fixed quit-rent, in return for which mediæval landowners had virtually alienated much of their property, and the *lods et ventes*, payable to the original owner when land liable to *cens* changed hands. He writes at length of the "feudalism of his own country" and of the three

[1] I have never seen it referred to in connection with Sieyès, nor have I seen an original copy. It is reprinted in the *Archives Parlementaires*, VIII., 499, with the title *Mémoire de M. l'Abbé Sieyès sur le rachat des droits féodaux*, with the date August 27th, 1789, and the note "printed by order." But the *Arch. Parl.* is notoriously inaccurate, and on p. 422 of this same volume, owing to careless copying of the *Procès Verbal de l'Assemblée Nationale*, Vol. III., it credits to Sieyès a document which is not his. Yet there is nothing suspicious about the memoir: the style, the personal touches, the references to "the feudalism of my country," *i.e.*, of the South, all confirm the reputed authorship.

ways of levying the *cens* in the southern provinces, with a technical knowledge perhaps supplied by his brother, the lawyer from Fréjus. Very rightly he points out that the process of *acensement* had made multitudes of peasants all but proprietors, and had facilitated the cultivation of many "difficult regions where man's labour had conquered nature." Therefore the Assembly has done wisely in voting compensation to the representatives of those ancient landowners who had thus deserved well of the nation. It has done righteously in abolishing personal services without compensation. But here a difficulty arises. In numberless cases personal services have been commuted for money payments; rights to receive these payments have been ordinary marketable commodities. For these no compensation has been offered, because of their tainted origin. In consequence, the hasty action of the Assembly has perhaps plunged thousands of homes that depend upon such payments into undeserved misery. Fearing misconception, Sieyès hastily adds that he himself owns no such property; but it is not unkind to suppose that there may have been a little in the family.

It was in no case easy, he continued, to manage the work of compensation. All rights must not be lumped together; some payments would have to be capitalised at more years' purchase than others; in fact the whole thing bristled with difficulties. Down South, for instance, dues were sometimes payable by a whole commune, sometimes were shared by more than one commune, sometimes were payable by single individuals. Assuredly there would be much litigation. So France would do well to take a lesson from Savoy, where feudal dues were abolished in the early 'seventies without ruining homes, thanks to a well-considered scheme and the creation of a free tribunal for the summary settlement of disputes. The impression left by the whole memoir is that Sieyès, in spite of his expressed approval of the abolition of personal services without compensation, agreed very nearly with a modern French historian that the "simple

right of redemption for all dues would have been the only sensible and practical measure."[1]

When the Assembly woke from its first brilliant dream, it recognised the force of much of his argument. The tithe, it is true, was lost to the clergy. Many of their representatives, realising the burden that redemption would lay on the peasant landowner, abandoned all claim to compensation the very day after Sieyès delivered his speech. Clerical tithes were thereupon abolished, but tithe that had got into the hands of lay appropriators and so become marketable, was to be redeemed. The generosity of his own order silenced Sieyès. A committee worked all through the winter of 1789—90 at the feudal problem, and produced a compromise that offended everybody. They considered the methods employed in Savoy, but decided that they were unsuitable to French conditions. Probably they fitted the conditions of Provence better than those of other districts. When the work of this committee ripened into law, the peasants found that it was not that "complete abolition of feudalism" which the Assembly had promised in August, and for which they themselves had risen. It is hard to abolish completely a picturesque term with no definite meaning. Landowners, on their side, often tried to hold fast, for fear of ruin, much that the law said they must resign. Hence litigation, discontent, oppression and riot; the whole question still unsettled in 1791 and left to the Legislative Assembly, the Convention and the Directory. It proved a difficult legacy, and the more difficult because the confiscations of 1792—4 made the revolutionary state an interested landowner on a large scale.[2]

Sieyès never forgot the consequences of his tithe speech. In his own narrative of his early career he tells how the utterance of the words "they wish to be free but they

[1] M. Viollet in *Camb. Mod. Hist.*, VIII., 720.

[2] *Camb. Mod. Hist.* VIII., 714 sqq. Sagnac, *Législation civile de la Rév. Franc.*, Ch. 2. Sagnac and Caron, *Les comités des droits féodaux et de législation et l'abolition du régime seigneurial.* Bruchet, *L'abolition des droits seigneuriaux en Savoie.*

know not how to be just" closed his period of active influence. It was just two months after his first triumphs. He drew apart in bitter contempt from men who were swayed more easily by prejudice than by truth; he spoke less and less, though he continued his work on the committees. It was about this time that an acquaintance, after congratulating him on his action, asked him what he thought of the Assembly. Sieyès hesitated a moment, lowered his head, replied "A den, but I've thrown myself in and must stay," and passed on. "I never saw him again," says the royalist who tells the story, but "he threw himself into all the other dens in their turn."[1]

After the veto speech in September he did not address the Assembly for over four months. Then, on January 20th, 1790, he read a report on the liberty of the Press. In February he issued a pamphlet with the title *Projet d'un décret provisoire sur le clergé*. Part of it was reprinted in the *Moniteur*, with a highly laudatory preface, but it never came up for discussion. Like some of his other publications, it was an appeal from Parliament to the nation. It serves, together with the tithe speech, to illustrate his views on the problem of Church and State. By no means a work of pure theory, it contains an unusual amount of compromise with the past, as its title suggests. But the assumptions that underlie the proposals are not difficult to ascertain.

The Church is to be kept up for the present because the nation seems to want it; but it must be reorganised. Its property the nation may deal with as it likes, subject to the absolute right to compensation of all clerics injured during the reorganisation. The Church may go, but individuals must not suffer; "for if the social state has not as its sole end the welfare of individuals, I cannot understand what the social state is." Church property taken over by the State should be used for the endowment of hospitals,

[1] Montlosier, I., 255—256.

the support of education, and the like; it should not be thrown lightly into the common chest. As property is the "god of all legislation," it is most desirable that it should not be touched until the place of the clergy in the new social system has been fixed. Tithe should be redeemed by the landowners, and with the large sums of ready money thus obtained France might restore her finances and provide suitably for the clergy. Sale of Church lands should be undertaken gradually and with method. Sieyès knew that tithe was abolished, that the ecclesiastical lands had been put at the disposal of the nation in November, and that the sale of 400,000,000 livres' worth had been ordered in December. He referred to these things when framing his more detailed proposals; but his introductions always contained principles, and he would not leave them out because the Assembly ignored them. Nor could he hold back a word or two for his critics. From law-makers they were turned priest-baiters. His cloth influenced them far more than it influenced him. "They had thrown a few good epigrams at him and plenty of meaningless words. It was true that the words of the language were the property of anyone who cared to use them, and the *bons mots* of anyone who chanced to hit on them, and that when all had been said they must begin to reason if they would or could." Since the nation had abolished tithe, begun to sell Church lands, and promised every curé at least 1,200 livres a year, how should it now proceed? First of all, enough ecclesiastical property should be handed to the local authorities to maintain the clergy, the services of the Church and the destitute poor, and to provide for the education of the young. The rest may be used to meet the urgent needs of government. (This means the assignats.) Those 400,000,000 livres already voted should be raised by the sale of lands on whose revenues no one had a legal claim—say, the lands of a vacant see. Henceforward the nation pays the clergy, of whom there will be only three legal types—bishops, curates and vicars. Through

the ecclesiastical committee of the Assembly, the nation will regulate their numbers, which are at present excessive. Young men eager to take orders must get leave from the authorities of their native districts; this will prevent a glut of candidates. Vows of perpetual celibacy, being "anti-social," will no more be tolerated, and all ecclesiastical corporations will be suppressed. The distinctive clerical dress will vanish, but vestments may be worn during divine service. And all persons not yet bound by priests' vows may freely return to their lay estate.

A great part of the scheme consists of elaborate and scrupulously just proposals for dealing with holders of suppressed appointments and members of extinct corporations. It will be noticed that canonries are condemned to extinction. From 1790 to 1800 vacant livings and sees are to be given to holders of appointments destined to suppression, so that the new system may come in with the minimum of friction. In 1800 any superfluous survivors will receive adequate pensions.

There is no word of doctrine, of the rights of conscience, or of the claims of Rome. To Sieyès the clergy are officials whose functions the State may define and limit at will. That matters of ecclesiastical organisation could lie outside the competence of Governments, seemed as preposterous to him as it had seemed to Constantine or Martin Luther. French kings and ministerial cardinals had always managed Church affairs; the devout Louis XVI. had given the Protestants civil rights without consulting Rome, and had been so busy suppressing monasteries that Sieyès himself had been able to write how, in the thirty years before the Revolution, the number of monks and nuns had fallen with accelerating speed, so that now not more than 17,000 remained.[1] If a king could abolish monks, why should not a philosopher abolish archbishops or exorcists, and pension off canons? No doubt Sieyès would have left

[1] *Qu'est-ce que le Tiers État?* p. 45.

to the Church a barren control of transcendental dogma, but, like the great Catholic rulers who had preceded him, he held high doctrine of the State. Probably he anticipated little opposition from the French clergy. Most of them he supposed—and with some reason—to be either latitudinarian or definitely Gallican in opinion; and he could not appreciate those delicate weights that bring down the scales of conscience on an unexpected side. It was his own opinion that Christianity in all its forms would fade swiftly in the light of liberty and education, and that its priests would be changed as swiftly from State-paid religious officials and preachers into State-paid teachers of a lay morality and schoolmasters. There might be a little difficulty, a little necessary coercion, but he hoped not, and he meant to be very tolerant.[1] Abundant justice having been done to the pecuniary claims of every living ecclesiastic, the popular control of vocation to the priesthood might be counted upon to keep out of its ranks the more fanatical and superstitious persons; and the rest would be easy. Easy if his proposals were accepted, but that he hardly hoped to see.

In principle they were accepted, because he shared those assumptions of the majority upon which the Civil Constitution of the Clergy rests. And it should be remembered that the majority was largely composed of sincere Catholics, if not of sincere Roman Catholics.[2] But he took no direct part in constructing the law of July 12th, 1790, so that there is no need to trace the exact points where the two systems coincide. Yet, sharing the assumptions, he shares the responsibility for that desperate attempt to "put the Church into the State"; shares it with the Gallicans of the Assembly, who meant to nationalise the

[1] See below, p. 122.

[2] See Champion, *La Séparation de l'eglise et de l'état en* 1794. Sagnac, *L'Église de France et le serment à la constitution Civile du Clergé*, *La Rév. Franc.*, LIII., 289, and Mathiez, *La France et Rome sous la Constituante*, *La Rév. Franc.*, LII., 97, LIII., 139, etc. (1907).

Church, and with the bishops who advised the King to sign, hoping that Rome would be induced to give way. And wherever may lie the main burden of blame for the ensuing schism, which more than any other single cause ruined in advance the Constitution of 1791, whether—as some say—on Gallicans who called themselves Catholic, but had abandoned Catholic essentials; or—as others are now disposed to think—on the Roman court that, after nine months' diplomacy and delay, refused to a revolutionary Government, which had annexed papal territory, that indulgence which it might have extended to a well-behaved monarchy; some portion of the burden assuredly rests on the disciples of a superficial psychology, that was blind to the permanent strength of religious prejudice and religious conviction.

The report on the liberty of the Press of January, 1790, shows Sieyès applying another side of his philosophy to life.[1] The Assembly had asked the constitutional committee to find the bounds between liberty and licence, and this was the reply. It was applauded and absolutely neglected. Though on the whole excellent, it pleased neither of the extreme wings of the Assembly, who presumably disliked any regulations which might limit their power of moving opinion. Perhaps more moderate and timid men were afraid to legislate on this delicate matter, or perhaps they lacked the time. In the introduction to the report there is much parliamentary commonplace, with postulates about liberty and its bounds that are not new. Imbedded in unimportant remarks on the commerce of thought, lies an attack on those who hold that only in small communities can political liberty flourish: reading the future by the past, they forget that printing has rendered possible great states that are also free. In the first section of the report proper occurs a list of punishable literary offences, namely,

[1] *Archives Parlementaires*, XI. 259. Its proper title is *Projet de loi contre les délits qui peuvent se commettre par la voie de l'impression*, etc. The full text also exists in pamphlet form.

incitements to violence or crime, reflections on the person of the King, offences against decency, and malicious libels. Denunciations of officials for abuse of the powers entrusted to them are legal. If they prove unfounded the courts may declare them to be calumnies, but the declaration carries no material penalty. The second section treats of copyright—six years after the author's death is the limit—, and the third of the responsibilities of printers and publishers. The fourth and last contains the most interesting provision of the whole report, a provision that opens out fascinating possibilities. In obedience to the doctrine of trial by peers, all press cases are to go before a jury of authors. As printing presses were only to be found in the larger towns, Sieyès hoped that such an expert jury could easily be collected. His law he believed to be "the best in existence in any country in the world," but it was still a makeshift. He only asked the Assembly to vote it for two years, because "it was evident that at the end of such a period this law, like all other laws, ought to profit from the progress of the social art." The assumed rate of progress is startling, even in a revolutionary thinker, and suggests that the Abbé had in reserve some scheme which he judged more mature. But the temporary scheme itself came to nothing, and he never again handled press matters until, as acting head of the French State, in 1799, he was instructing Fouché to stop the mouths of opposition journals.

Sieyès' contempt for the Assembly was confirmed by the neglect of this necessary and reasonable proposal. He believed that the future would vindicate his judgment, but his faith in the present was slipping away. In February, as we know, he tried to gain from the outside public a hearing for his ecclesiastical law. Late in March he repeated this experiment with the last of his important early pamphlets, the *Aperçu d'une nouvelle organisation de la justice et de la police en France.* Its theme and its fate link it to the report on the press. Sieyès was never

sanguine of its acceptance; the very motto at its head exhales his evil humours and their cause—"A few ideas cannot form a plan. In constitutional matters things must be complete. How is the political machine to work if it has not all its parts, or if they are ill-fitted?" Taking the public into his confidence, he explained, in a preliminary note, that the ideas were put on paper when he was serving on the first constitutional committee in September. They were irreconcilable with the scheme favoured by the second committee and so had gone to his portfolio, whence he took them reluctantly and only from a sense of duty. Perhaps he was reluctant, but the judicial question was now under discussion, and Sieyès had friends who hoped to be able to carry some at least of his proposals. The constitutional committee was not nearly so hostile as his sulky reference suggests. It was the old difficulty; he believed that the working plans of social machinery should be drawn by a single hand, and his colleagues did not.

As title and motto suggest, this project is more than usually bald and difficult. There is not even the familiar introduction, only the draft of a comprehensive bill in five sections and one hundred and seventy-six articles. Yet it is of real importance, for it completes Sieyès' first applications of the representative principle to national life, by the organisation of what might be called representative justice. At the bottom of the scale, each primary assembly elects yearly a Lieutenant of Police and a Lieutenant of Justice or Justice of the Peace.[1] The former has not only to prevent crime, so far as he can, and find criminals, but also to prevent litigation, and to settle the village squabbles out of court. All owe him and his agents "provisional obedience"; but, provided this is rendered, any citizen may take a dispute with him before his colleague the Justice, whose main business is civil, the settlement of those differences about wood and

[1] Juge de Paix.

water and one's neighbour's landmarks, that bring the peasant into touch with the law. Both Policeman and Justice are specialists; they do none of the extra-judicial work that fell to the old local judges and commissioners of police, and, one might add, to the utterly different English official of the eighteenth century from whom the Justice took his name. When litigation arises, either the Justice decides the case personally—where both parties are agreeable—or he bids each party name an arbitrator. If these do not agree, the Justice's casting vote is final in all small matters. He is really a peacemaker rather than a judge. His court is free; but fees are paid in cases where appeals from his decision are carried to higher courts. A subsequent law is to draw the line between "affaires sommaires" and "causes d'appel"; and special provision is to be made for a different type of "primary justice" in Paris and other great towns.

Every department has twelve judges, chosen by the electoral body that appoints members of Parliament. Eventually they will all come from the local Lieutenants of Justice and Justices of the Peace, but for the present from among the minor judges, advocates and lawyers. Removable only for serious offences, they are to be removed through a kind of ostracism carried out by the electors. As litigation decreases with progress, the electors will decline to fill up judicial vacancies. At the outset the twelve will serve three courts in the departmental capital, two civil and one criminal, and they will go on circuit thrice a year when field work is slack. Beside these courts stands the departmental "chamber of general police," composed of three members from the administrative body of the department (the directory) and the president of the criminal court. Between this body and the local Lieutenants of Police lies a district police chamber.

In all cases of departmental grade, both civil and criminal, there are to be juries. For the time being the whole body of lawyers of all sorts will be on the jury list,

and lawyers will form a majority of every jury. This was necessary, because Sieyès' jury was to decide both fact and law. When France had a code "complete and simple," he assumed that the ordinary citizen would be competent to make such decisions. At present the trained men were needed, and they would be paid. For the remaining places on the jury list—eventually for all the places—select active citizens will be nominated by the departmental electors, who will employ an elaborate ballot system that recalls Harrington. From this list the chief departmental administrator (the Procureur Syndic), never the judge, will prick off the juries. So far as possible jurors are to be true "peers" of the litigants, which suggests juries chosen *ad hoc* for each case or group of cases. The press law indicates how this principle might, in some instances at least, be applied. Sieyès held that real "peers," people who could say "in these circumstances I should have acted thus and thus,"[1] were most likely to know the law and understand the facts relevant to the case—authors to know copyright law and sailors the merchant shipping acts. There are obvious difficulties in the application of such a principle. What if an author of aristocratic antecedents plays the confidence trick on an able seaman? But the principle itself is sound. With the increasing complexity of life, particularly on the economic side, during the nineteenth century, all countries have been forced, in one way or another, to utilise expert opinion in the courts to a far greater extent than was at one time necessary. And in Sieyès' system simple cases are tried in batches by "Common Juries"; only the very difficult criminal and the serious civil cases go to "Particular Juries." The defendant has always the right to protest against one-third of the jurors, without cause assigned, so reducing a civil jury from eighteen to twelve and a criminal jury from twenty-seven to eighteen. For some reason no similar

[1] See his speech on April 8th, 1790, referred to below.

right is granted to the prosecutor. In civil matters the decision is by bare majority; the requisite number of adverse votes rises with the risk to the defendant, until on capital charges it reaches fourteen out of eighteen. A further complication, which makes the jury of Sieyès still more unlike that of England, is introduced for cases of exceptional intricacy. When these come up for trial a "conseil d'instruction," consisting of the judge and two jurors, sifts the evidence and decides on what question or questions the opinion of the remaining jurors shall be taken. This was at once a concession to French legal custom, and an admission that there were matters too difficult for decision by a citizen jury, which had to judge both fact and law.

Special rules of procedure are to be enacted for the trial of disputes between near relatives, commercial cases, offences committed by public servants in the discharge of their duties, and disputes between citizens and the Treasury. Family quarrels go before a family council. To its decision the Justice of the Peace begs the disputants to defer, "exposing to them the inconveniences of suits between relatives." If this appeal fails the case must go to the courts. Complaints against officials are carried to their immediate superiors, complaints against the collectors of taxes to the district "chamber of police"—a body part administrative, part judicial. If satisfaction does not result, both classes of cases go before the twelve departmental judges sitting together, but without a jury. That juryless court was the one relic of "administrative law" that Sieyès tolerated.

Above all these tribunals stand the eighty-three Grand Judges of France, each nominated by a departmental electoral assembly from among the judges of lower rank, removable only by vote of parliament. Thirty-six sit in the Great Council of Revision, the final court of appeal in all ordinary criminal and civil cases. A second thirty-six form the Political Tribunal, the supreme court of administrative justice, with jurisdiction over all public servants

below the rank of minister. Ministers and the highest officials, including judges, are to be tried for offences committed in the discharge of their functions by all the Grand Judges sitting together. But should the charge be one of high treason ("crime d'État"), it comes before the five judges of the Tribunal of State Crimes, and is decided by a national grand jury, nominated by the departments and reduced by lot and the accused's right of challenge to twenty-eight. Only a vote of parliament can initiate a trial for high treason. Six judges remain to form the Great Council of Police, hardly a court at all, rather an administrative committee, charged with the preservation of uniformity in the "police" of the kingdom in its widest sense.

Finally, that the courts may never exceed their true functions, no judge shall hold any other post under government, and if the supreme court or any of its sections meddles in affairs of State, "by that very fact all functions and all authority entrusted to the eighty-three Grand Judges shall cease forthwith." Sieyès knew that at the start members of the old Parlements would sit on that national bench, and he was determined that they should not dispute the sovereign rights of the nation, as in the past they had disputed the law-making rights of the crown, by claiming power to refuse the registration and enforcement of new edicts. The kings had tamed them, and the nation would show itself stronger than the kings. His whole scheme shows a marked jealousy of the professional magistrate, linked with a characteristic safeguarding of individual interests and claims. It is no mere modification of the old system of justice, with its Parlements of unequal jurisdiction, its remnants of feudal tribunals, its secret criminal procedure, its torture, its juryless courts and its magistrates who secured their posts by purchase and transmitted them by inheritance. It resembled all this as little as Sieyès' contemplated code, which every citizen could master and apply, would have resembled the varying and intricate local customs, overlaid with

an elaborate royal jurisprudence of the France that was dying.

Sieyès' judicial scheme as a whole never came up for discussion, but the various laws of 1790 and 1791, which attempted to reorganise justice in the country, accepted many general principles which, partly as the result of his influence, had become the common property of the Assembly. In August, 1790, elective Justices of the Peace were created, but one for every canton, not one for every primary assembly. This curtailment of the number of Justices proposed in Sieyès' plan, which perhaps was wise, was balanced by a certainly mistaken increase in the next grade. Instead of twelve departmental judges there were to be five in each district, or forty-five per department, chosen, like Sieyès' judges, by members of the departmental electoral body. From among the district judges, small groups were to be selected in rotation to sit in the single criminal court of the department.[1] Here also there is a resemblance to Sieyès' plan. Or again, the departments elect the judges of the national court of appeal,[2] from among whom are chosen by lot judges to sit in the national high court, which punishes State crimes with the aid of a representative national jury.[3] How far there was direct borrowing in all this it is impossible to say; but as Sieyès' scheme was early in the field, and his influence on the constitutional committee great, it is likely that the coincidence implies a loan.

Once only during the debate that produced these laws did Sieyès open his mouth. That was immediately after the publication of his *Aperçu*. The Assembly, to his great annoyance, was not prepared to discuss the whole judicial problem, but was confining its attention to the establishment of the jury system. He told his colleagues haughtily that he did not rise to explain his plan, because they were

[1] Law of January—February, 1791.
[2] Law of November 27th—December 1st, 1790
[3] Law of May, 1791.

dealing with a fragment only. He justified his irritation by an account, truthful enough, of the state of justice in France; manorial courts abolished and not replaced, so that there was hardly any "primary justice" available; the King's local courts half paralysed by their coming extinction and the course of events; the supreme courts (the Parlements) paralysed also, and hostile to the Revolution. It was no case of repairing an old machine; the old machine had stopped. The question was, should the new one be made quickly and "adjusted in all its parts to the new social mechanism?" His colleagues were prepared for elective judges and for a criminal jury, but they boggled at his civil jury. He affirmed, but hardly proved, that the two must go together: "as for the results of the civil jury they are good, they can only be good, if you begin as I have begun, by putting lawyers on it."[1]

His difficulty was that two schools of thought and a group of tacticians joined in opposing him. He was supported by men of position. Rabaud St. Étienne said that four members of the constitutional committee were on his side. So were Charles Lameth, Buzot and a deputy as yet less conspicuous—Robespierre. Roederer was his enthusiastic admirer. But most of the lawyers, led by Tronchet, the greatest of them all, objected on the grounds that in civil cases the distinction of fact and law was often extraordinarily difficult, and that juries were not fitted to decide points of law. Logically, Sieyès had met this objection by making his juries decide both, and by providing for the preliminary "instruction" in the most puzzling cases. But Tronchet pointed out that, even on a moderate reckoning, over a thousand jurors would be wanted to do the work in every department, and he asked whether enough competent men would be forthcoming.[2] Opposition

[1] April 8th, 1790. The *Moniteur* of April 9th and 10th contains two reports of his speech. For the whole question see Roederer, *Œuvres*, III., 294, Ferrières, *Memoirs*, II., 44, Desjardins, *Sieyès et le jury en matière civile* (1869).

[2] M. Desjardins—an eminent lawyer—thought that Tronchet greatly underestimated, and should have said over four thousand. *Sieyès et le jury*, p. 12.

came also from the party headed by Duport who wanted the civil jury, but, ignoring Tronchet's criticism that Sieyès had anticipated, proposed to confine it to the question of fact. Duport had written in a controversial pamphlet that Sieyès' jury "had nothing in common with juries but the name,"[1] which was true if not entirely relevant, and carried weight. The tacticians, among whom were Thouret and Malouet, accepted the principle, but thought—most reasonably—that it might be well to reform the civil law and then think about the jury. And in the end, on April 30th, the criminal jury was accepted *nemine contradicente*, the civil jury decisively rejected.

Representative justice and its popularly elected magistrates were not a success in France nor has its life been glorious elsewhere. No doubt Sieyès, with his whole generation, deserves his place in the purgatory of those who dream untimely and systematise overmuch. We think of a caucus-filled bench and turn away. But, as Sieyès might have said, there are a variety of possible combinations in the matter, and instances enough can be found, from the speakership of the House of Commons down to arbitrators in industrial disputes, of obedience rendered to a chosen judge by the very men who chose him. It is probable that the only type of judge whom he would have had elected directly, the village Justice, arbitrator in small economic disputes, was called to an office which in normal times could very well be filled by election. It is not impossible that, with proper safeguards against the spoils system, an English County Council might successfully choose the county justices. And it is not the case that the withholding of judicial appointments from select bodies of elected persons in favour of some one great elector, King or Chancellor or Prime Minister, shuts the door on partisan nominations. After all, in every self-governing country and in some sense, such nominations are and must be made by men chosen of the people; and this has its risks. Nor

[1] Buchez and Roux, *Hist. parlementaire de la Rév. Franc.*, V., 211.

is it in any way improbable that, in the logical evolution of democracy, Sieyès and his generation will come to their own again. Educated peoples will more and more insist that their control of judicial appointments shall be frankly recognised and systematically contrived. Educated they must be, if the thing is to remain clean : and no one now fancies with Sieyès that educated peoples are to be made in the third part of a generation.

## CHAPTER IV.

### SIEYÈS AND THE FALL OF THE MONARCHY.

HAD Sieyès been a politician of normal temperament and parliamentary experience, he might well have been content with the success of his ideas during the first year of the Revolution. But his temperament was abnormal; like all Frenchmen he lacked parliamentary experience; and he was not content. His distress was not merely the pique of a constitutional artist inadequately appreciated. Anxiety for the nation that he loved entered into it. He could trust neither King nor Assembly, and, as always, he saw far. The record of his life from about the middle of 1790 is for several years broken and incomplete. But one can find out with tolerable certainty how he stood towards the great events that ended with the fall of the throne. He makes few speeches, writes few pamphlets, yet glimpses of him may be caught at clubs and in private society, reports of his views and methods and actions traced in letters and memoirs. And, in explaining these obscure years, use can be made of certain opinions expressed with such striking uniformity at both ends of his active life that they must have been held also in the middle.

Quite early in 1790 he was looking back to Eighty-nine with regret. Then rapid national regeneration had seemed possible, he himself had been universally recognised, and the Assembly had often been with him. Now he believed that it was falling into the hands of titled demagogues, whose influence must in some way be combated if its authority were not to be impaired. For if it lost prestige, there was a choice only between ultra-royalist reaction and anarchy. The men he feared were the Lameth party, led by the "triumvirate," Alexander Lameth, Duport and

Barnave. To oppose them, to rally honest reformers, and keep alive the old spirit, he and Condorcet, in January, 1790, took the lead in the foundation of the Eighty-nine Club.[1] Club influence was a steadily growing force of which he felt bound to make use. After the removal of the Assembly to Paris in October, he had not been anxious to revive the Breton club, for he disliked the violence of many of its members.[2] But when there evolved from it the club that was to become the Jacobins, he did not hesitate to join. Indeed, at that time it contained men of almost every type. Gradually the influence of the Lameths grew, both in the Jacobins and in the Assembly, until in April, 1790, there was a sort of schism in the club that brought a great accession of new members to the Eighty-nine. But as the Eighty-nine was scientific in form, and sincerely if not exclusively scientific in character, many of its members remained associated with the Jacobins. Sieyès himself, one of the first presidents of the Eighty-nine, always belonged to the older body, as did Mirabeau, Talleyrand, Bailly, La Rochefoucauld and others.

The spirit of Sieyès fills the rules of the club that he helped to form. Probably he drafted them. The society existed for "the study and application of the social art," by means of discussion, correspondence with like-minded societies at home and abroad, and the publication of a journal. The social art, that "art for which all sciences labour," an art "which has not yet been studied as a whole," has for its subject "to maintain and extend the happiness of nations," to do for them what the application of moral philosophy does for the individual.[3] All this is emphatically in the manner of Sieyès. It was proposed that the journal should deal with all matters related to the social art—political theory, economic science, inter-

[1] For details see Challamel, *Les clubs contre-révolutionnaires*, p. 391 sqq., Cahen, *Condorcet*, p. 237 sqq. (with further evidence that the club was directed against the Lameths). Perrond, *Quelques notes sur le club de '89*. *La Rév. Franc.*, September, 1889.

[2] Beaulieu, *Essais*, II., 247.

[3] The rules are printed by Challamel.

national law, discoveries, legislation; a programme which is unduly academic for a society that wished to exercise direct political influence, and suggests that its founders relied overmuch on the pure reason. The club refused to organise provincial daughter societies after the fashion of the Jacobins; its debates were not public; its membership was limited to six hundred and was too catholic for party needs. Indeed, Condorcet and Sieyès had not proposed to create and were not capable of directing party organisation such as modern politics know and the Jacobins anticipated. They wanted reform without revolt and without violence, social order without reaction, and they tried to associate all sober reformers. For a time, in the spring and early summer of 1790, the club seemed to have a political future. It set up quarters in the Palais Royal and held club dinners. Mirabeau and Lafayette had drawn together somewhat and, had that union been permanent, the Eighty-nine might have become the headquarters of their party. But their union could not be permanent and the club failed to send roots into any rich bed of personal or party loyalty. Members did not pay their subscriptions, and the journal collapsed at the beginning of September.[1] Later Mirabeau fell out with Lafayette, the more definitely royalist adherents of the Eighty-nine drifted off to the club known subsequently as the Feuillants, and ardent provincial patriots like Madame Roland—nourished on Jacobin news—rejoiced at "the desertion of the club of 1789."[2] At the beginning of '91 the founders were still struggling against adversity, but the struggle was hopeless, and the club is heard of no more.

At the time of its transient success Mirabeau was entering into his secret relations with the court. His fellow members were all men who wished the King to join the sane revolutionary party, and perhaps Mirabeau thought of using his position among them to recruit supporters for

[1] Sieyès did not write for it so far as can be ascertained.
[2] Letter to Bancal, November, 1790, Cahen, *Condorcet*, p. 241.

his policy, could Louis be induced to adopt it. Sieyès had known him from the first. There had been advances and flatteries from Mirabeau, but not much liking from either side. Still Mirabeau reckoned him a man worth winning for the King, as his correspondence shows. It was in May, 1790, during the debates on the right of the crown to make peace or war, that the great orator in a famous and familiar passage deplored the silence of Sieyès on this constitutional issue as "a public calamity." The exaggerated praise, of which there was a quantity, is so clearly strategic that motives of all kinds have been assigned to Mirabeau: a desire to conciliate the Abbé's friends, the need of hiding manœuvres of his own, or the wish to discredit a man whom he thus loaded with a reputation that he was not able to bear. The last and most often repeated is the least probable explanation.[1] Mirabeau did want to know just how far the constitutional puritans, with whom Sieyès carried weight, would go in making concessions to the crown; a public pronouncement either way would have been of the greatest use to him, and he spared no pains to extract it. He failed, but he let the court know that Sieyès must be taken into account. In July the suggestion is that the King shall discuss the details of the coming Fête of the Federation with a small committee from the Assembly on which Sieyès is to sit,[2] and later his opinions on critical matters are carefully reported. But before Mirabeau's death the two men had drifted far apart. Sieyès was not the force that he had been, and though critically monarchical in doctrine, he had no trace of that devotion to kingship which would make a man run risks or accept misfortunes.

During the latter part of 1790 Sieyès is almost invisible. In June he had an access of popularity on the anniversary of his first triumphs. He presided over the Assembly and over the Jacobins, and he received a popular ovation

[1] It comes from a bad source, Barère's *Memoirs*, I., 310.

[2] Bacourt, *Mirabeau et la Marck*, II., 84; see also II., 88, 166, and Sainte Beuve.

on the night of the 17th when the Eighty-nine was dining at the Palais Royal. But he managed to mar his successes by awkwardness or ill-humour. When chosen President of the Assembly on the 8th he returned thanks, explained that no one could be more anxious than he to see the Constitution finished, or more grieved than he when faults of workmanship appeared in it, and then declined the offered honour on account of his weak voice. But the honour was thrust upon him, and when at the end of the sitting he renewed his protestations of incompetence the Assembly broke up somewhat irritably with cries of No, No! so that in the end he had to serve his turn.[1]

A few weeks later he had to assist at the magnificent spectacle of the Federation ceremony in the Champ de Mars. With the spirit of national unity and armed order that the ceremony was intended to embody, he must have been in perfect sympathy. But the half religious ceremonial was entirely distasteful. He met Talleyrand after the pageant and asked him, with a sour smile, how he had managed to remain serious during his skilful execution of all that buffoonery, and how many Christians among the hundred thousand spectators he supposed had taken the National Christian oath to King and Law? Talleyrand really could not say. "I reckon," said Sieyès, "that there may have been as many as five hundred, if you count the Duke of Orleans, yourself, myself and those of our party."[2]

It was chiefly in such private conversations that the Abbè ejected his criticism of events during these months. He went into society freely, sampled many clubs, watched and made notes, and studied his fellows. Besides the Jacobins and the Eighty-nine, he certainly belonged to the *Cercle Social* and the *Amis des Noirs*. The Social Circle was masonic in origin and originally philosophic in character. Born in January, 1790, it was not fully organised until the following autumn. One of its objects

[1] *Moniteur*, June, 1790.
[2] Gorsas, *Mémoires, lettres inédites, et papiers secrets de Talleyrand*, p. 72.

was to serve as a collector of public grievances. To this end there was a journal, *The Iron Mouth*, which was to give publicity to all kinds of complaints, so that the people might enjoy "its right of censure, the only power which it can be allowed to wield itself," as the prospectus said in words that might come from Sieyès. The Circle also organised, through its central committee, a Confederation of the Friends of Truth towards the end of 1790, which led in turn to a Confederation of the Lady Friends of Truth in 1791. Sieyès is found on the committee in November, 1790, among such men as Grégoire, Condorcet, Boissy d'Anglas and Barère. Some months later the Circle slid away from his opinions, and it is probable that he abandoned it before its dissolution in July, 1791.[1]

That he was a convinced Ami des Noirs is beyond question. His friendship was strong enough to make him twice break silence on their behalf in the Assembly during May and June, 1791, while the extension of the franchise to the negroes of San Domingo was under discussion. For some time he had been associated with the society, but these speeches are the only records of the connection.[2]

Circumstances forced him to choose and act and show himself in 1791 more than he had in the later months of 1790, but much of his work was still done in the background. In February he was elected a member of the Administrative Directory of the Department of Paris, a post that he seems to have found congenial. In March a less attractive appointment threatened. Paris wanted a "constitutional" archbishop, and his name appeared side by side with Talleyrand's on the list of likely candidates. An important section of the electors wished strongly to make an archbishop of him. So in self-defence he wrote to the president of the electoral assembly, after the

[1] Lacroix, *La Commune de Paris*, Vol. VII., Appendix, pp. 561—638.
[2] The most important is in the *Moniteur* of May 14th. See, too, Grégoiré, *Memoirs*, p. 392.

preliminary discussion, that though his time and strength were the nation's, and there was no disgrace in taking such a post at its hands, yet as his personal tastes inclined towards "legislative and administrative, not towards episcopal functions"—one can fancy the smile over his pen—he begged not to be treated as a candidate.[1] But though he refused a mitre he did not manage to avoid contact with religious dissensions, and the story of the contact is all to his credit. The civil constitution of the clergy and the rising anti-Christian prejudices of the Paris mob gave the Directory infinite trouble, for the control of the religious life of the capital was part of its work. Early in April it issued orders regulating religious services, both official and unofficial, and arranging for the closure of superfluous churches and convents according to law. Only "national" clergy were to minister in parish churches without special permission. Other churches were to be licensed by the Directory and to bear a distinctive inscription. Entire freedom of worship was guaranteed, with one exception: it was a punishable offence to preach against the Constitution. While thus threatening the Roman Nonconformists, the decree also pilloried and checked the "odious intolerance" that had subjected them to coarse violence and persecution at the hands of Parisian patriots.

Sieyès either drafted this decree or adopted it as his own.[2] It was the business of the Directory to interpret and apply laws in this way, but as the Directory was not an executive body the decree had to be sent to the municipality for execution. There was excitement in the National Assembly when the facts became known. Some said that the Directory had gone beyond its powers; some that the decree was too tolerant; some that it was too intolerant. At length on April 18th—the day when

[1] I cannot believe the story that he wanted the post and withdrew because he knew he could not get it. It comes from *Les Révolutions de Paris*, No. 88, quoted in Neton's *Sieyès*, p. 143. For his letter of refusal, see *Moniteur*, March 14th.

[2] It is credited to him in the German edition of his works, II., 132.

the King was prevented by a mob from leaving Paris to keep Easter at St. Cloud according to the old Roman use—Sieyès was called to the tribune to defend the Directory. He did so with vigour and acrimony. It was necessary, he maintained, that Government should be able to say to the nonconforming Romanists, "You are not persecuted," and to the fanatics, "You shall not persecute."[1] If the Assembly were to quash or delay administrative measures of this kind, without remarkably good cause, the nation would acquire or retain insubordinate habits fatal alike to public peace and the Revolution. Despite this appeal, the matter was referred to the constitutional committee, which did not report for more than a fortnight. Though the report was in the main favourable to the Directory, it was the occasion of a bitter yet elevated and most statesmanlike speech from Sieyès. They seemed to suppose, he said, that although the Assembly had proclaimed religious liberty, no local authority might apply that principle in its own way without special permission. For himself he fully approved of the Constitutional Church, whose extreme supporters were his sharpest critics. He was prepared to enforce constitutional worship in the parish churches and evict non-juring priests. But he would not tolerate persecution of dissidents under the guise of liberty. "Is liberty a mere store-house of abstractions of which the legislator keeps the key, from which he only allows some scraps to escape bit by bit, and according to his own caprice? If this is the liberty which these gentlemen wish to give us, it was not worth the Revolution." He taunted his foes with their desire to crush one particular form of religion that interfered with their schemes: if they were honest they would attack that form by law, not by trying to pervert administration.

The danger, he again contended, was political as well as religious. Any weakening of the power of departmental

[1] *Moniteur*, April 19th.

Directories encouraged anarchy. The argument that strong local administrative bodies might encourage the federal spirit he brushed aside as a delusion or mere special pleading. He knew that departmental administration was working badly, that the land was sick for lack of government, for lack—as he believed—of just that system which he had devised, and his words came hot with bitter disappointment and wounded vanity. "It is for you to judge the worth of the administrative system that you have imposed on France." "The mechanician should not attribute to his machine irregularities that are entirely his own work." Of course anarchy resulted from the superstition that all men had an equal right to participate actively in public affairs. Slackness or uncertainty in the new administrative bodies would perpetuate that anarchy. Slackness in the departmental directories was what they should blame, not zealous desire to apply principle. "Beware of weakening the power of the State. Do you not see that there are two parties which want to render administration impossible, the one that it may secure a dictatorship, the other that it may complete the overthrow of all government?" If the new system were not made a live thing the Revolution and the nation would shortly be undone.[1]

The Assembly was convinced and a creditable victory for toleration won. But the point at issue is dwarfed by the greater troubles that rose behind, the party conflicts, the social decay, the possible failure of the Revolution. Sieyès knew now what he had always feared, that the King was not to be trusted; his reasoned dislike of hereditary monarchy had been strengthened, and he can hardly have failed to foresee the coming wreck of a Constitution that was not yet officially launched. Who the two parties of his peroration were is not quite clear: probably the triumvirate and the royalist irreconcilables. Whoever they may have been, the whole speech is redolent of anxiety and distrust.

[1] *Moniteur*, May 8th.

He had the best of reasons for distrusting the court, for recently he had been in indirect communication with the King whom he had so persistently tried to reduce to the level of an hereditary president or worse. This persistence Mirabeau, in his last days, had believed to cover a design for dispensing with heredity itself; and Mirabeau knew Sieyès and was well informed. In his last great Parliamentary fight he believed that the Abbé was his real though hidden antagonist. On March 22nd Thouret had proposed in the name of the constitutional committee that, if the King were to die while his heir was under age, the Regent in certain cases should be elected by the Assembly. In itself the motion does not seem alarming, but Mirabeau wrote of it to La Marck :—"You may be sure that they want to bring us to the elective system . . . that is to say to the destruction of the monarchy. The Abbé Sieyès has never courted the Assembly as he does now, and his partisans are very numerous. I have never been really frightened until to-day."[1] It is very probable that Sieyès was hoping to familiarise the country with the idea of election, and to pass by degrees from monarchy to the presidential system. If so, this particular move failed and the plot miscarried, for Mirabeau secured the rejection of Thouret's proposal.

Mirabeau died on April 2nd. Montmorin, the royalist minister of foreign affairs, thereupon began to look about for some revolutionary leader of acknowledged position, who might be induced to co-operate with the King's servants in the work of revising the Constitution and checkmating the designs of Barnave and the Lameths. Cabanis, the physician, was instructed to sound Sieyès; and on April 19th he reported almost exactly the reply that one would expect.[2] On conditions strict and precise Sieyès would serve the King to save the Revolution. The new laws were to be accepted, any needed changes being left to the forthcoming Legislative Assembly, the elections

[1] Bacourt, III., 105.
[2] Bacourt, III., 138 sqq.

for which were just about to begin. By means of fresh cahiers, or in some other adequate fashion, the state of public opinion was to be ascertained, and its force was to be utilised for carrying out the necessary alterations. Before anything at all could be done the King must put himself "decidedly and irrevocably" at the head of the Revolution. All thought of law-making authority must be abandoned, but Sieyès agreed to the retention of the suspensive veto, perhaps on the assumption that he might direct its use, for with the end of the Constituent Assembly a road to the ministry would be opened for him. A strong united ministry was to be formed, eager and capable of carrying out the new policy. Louis was to make full use of his executive power, and to wield it "without any dependence on the committees or the various coalitions in the Assembly." Here Sieyès was commending to the King just the policy that he had himself supported on the Paris Directory, knowing that France wanted government.

Cabanis urged the court to accept the terms. Sieyès, he truly said, was a lover of order and a foe to that factious parliamentary opposition which weakens the power of the state. His reputation for integrity was high and his name would carry weight. The King must get him to draw up a manifesto criticising recent legislation, whilst proclaiming the King's intention to observe scrupulously every law until it was constitutionally repealed. It was unfortunate, Cabanis remarked, that Sieyès was not "more manageable." Possibly this mark of confidence would make him abandon the "violent tone" that he sometimes adopted. As a defender of the monarchy he might be most useful. He would be equally dangerous were he finally driven to become its foe.

The day before Cabanis wrote this letter, which presumably got through to the King, the Directory of Paris drafted an address which certainly was intended to forward Sieyès' policy. He apparently had a hand in its making, and gossip said that but for him it would never

have been presented or published, because he circulated it on the 19th without procuring his colleagues' consent.[1] In this address the terms transmitted through Cabanis were hinted at as clearly as was possible in a public document. The people saw with grief, it ran, that the King, in spite of his declared attachment to the Constitution, was still surrounded by false and hypocritical persons, who concealed their hatred of liberty under a pretence of devotion to church and crown. Let His Majesty drive these false friends from his service. Let him throw in his lot with the nation that he loved, and support the law that he reverenced. Or to paraphrase, let him put himself "finally and irrevocably" at the head of the Revolution.

But the King, poor man, was looking elsewhere for salvation on April 19th, 1791. He allowed a lying account of his love for the Constitution, the work of Montmorin, to be read in parliament and forwarded to every court in Europe a few days later. But long before Sieyès was first sounded, the scheme of escape from Paris which resulted in the flight to Varennes had been agreed upon. In flight and foreign help, not in compromise with the chief men of the Assembly, the court was putting its trust. The policy of leading the new France, which Louis had honourably tried to make his own long since, and was forced to make his own in appearance during the coming September, was now laid aside. So far as is known, Sieyès had no reply. He did not at once try to pull the monarchy down, as might perhaps have been expected. He did not openly oppose any of the attempts made after the pitiful return from Varennes to shore it up again. Yet he became, as Cabanis had foretold, one of its most dangerous enemies. His proposals had been honest, so honest that he can hardly have expected success. He had not, like Mirabeau, played a double game. He was not eager to destroy the throne, until it became

[1] Gower, *Despatches*, p. 83. The German edition claims it for Sieyès; Roederer, *Œuvres*, III., 250, for Talleyrand and Pastouret It is in the *Moniteur* for April 20th.

actually dangerous, lest a worse thing should come in its place; but he helped to confirm the belief in treachery at the heart of the state that made destruction inevitable.

In the debates that accompanied the final revision of the Constitution, during the summer of 1791, he took no part. But two episodes of these months throw a little fresh light on his thought and a little doubtful light on his tactics. One of the things that he most feared was an attempt to introduce some sort of Upper House, in which the remains of the old nobility might secure influence. Yet now more than ever he felt the dangers of crude single-chamber government.[1] The device that he had originally suggested for obviating the dangers of hurried and tumultuous discussion was a division of the House into great permanent committees. An alternative plan—which was being advocated at this time by Buzot—was that the House should be divided by lot every month into two sections, which were to discuss separately, but to unite for voting. In June—just before the flight to Varennes—Sieyès, in concert with Condorcet and others, drafted a formal and curiously abstruse declaration of political faith, in which the two-chamber heresy was renounced and the alternative method adumbrated. It was his hope that signatures carrying weight could be secured for the document, which was then to be circulated throughout the country as a kind of manifesto to which electors and candidates for the new Assembly might give in their adhesion. So he called it a "Voluntary declaration suggested to the patriots of the eighty-three departments."

The preface to this odd production, which is dated June 17th, speaks of plots and calumnies, of those who hate philosophical politics and abuse men who profess "the best social principles," of proposals to establish the two-chamber system, "and some device or other for balanced forces after the English type which is at bottom but a system of corruption, a balance of cupidity and servitude." A

[1] See above, p. 85.

first article protests against every kind of hereditary prerogative or distinction. The operative article is the second, and it is exceedingly difficult and complicated in style. In it, adherents are made to acknowledge that Parliament is essentially one, and cannot be split into "several wholes or chambers" with rights of veto on one another; and that if the Constituent Assembly, which has adjourned the question of two sections, shall finally decide that such sections are desirable, nothing must be done to confuse the two-section system with the two-chamber system. There must be no veto. Neither section must be able to think of itself as "a whole," a separate body, but merely as a part of a greater whole. Though they sit and discuss separately, neither can come to a decision by a majority vote of its own members. It is absolutely necessary, when votes come to be taken, that they shall be counted individually in the two sections at once, just as if all had voted together in the same place. The article concludes: "having thus acknowledged the essential characteristics that differentiate the unconstitutional system of two chambers from that of two sections, or homogeneous committees, of one single chamber, I declare that I will oppose with all my force any attempt to set up in France more than one legislative chamber." In the third article the signatories promise to use none but constitutional means to gain their object.

After securing about forty signatures of prominent men in Paris — among them Lafayette, La Rochefoucauld, Talleyrand, Bailly, Roederer, Condorcet and Barère — Sieyès had proofs struck off, and was about to organise the circulation in the provinces, when an unexpected tumult of abuse and the flight of Varennes interrupted him.[1]

[1] The copy of the *Declaration* in the British Museum (F. R. 32) is bound up with his autograph letter—signed Sieyès—asking the printer to strike off no more copies until the list of signatures is complete. There is a long extract from this declaration in Prudhomme's *Révolutions de Paris*, No. 102. M. Cahen, *Condorcet*,

Jacobins, full of patriotic suspicion, somehow managed to read into the declaration a desire on his part to restore privilege. Danton was against him, and there was an outcry at the club so great that most of the signatories tried to evade responsibility, saying that they had given their signatures by mistake or that they had been misled by Sieyès. Barère's defence was that he had put down his name without reading the text: he was indignant at Sieyès' duplicity. After the flight of the King had stirred all suspicions, the Abbé was furiously attacked in the press.[1] His scheme was called a cleverly masked device for bringing in the English systems, a theft and mutilation of Buzot's proposals, and so forth. Meanwhile he had made his peace with the Jacobins, on the 21st, by assuring the club—falsely, it cannot be doubted—that the thing was not seriously meant and that no copies had been circulated in the provinces.[2] He was bitterly indignant at a humiliation which he traced entirely to the intrigues of aristocratic enemies, and he became more and more morose, "for if he said that two and two made four the scoundrels made the crowd believe he had said that two and two make three."[3] He did not notice that the scoundrels' task was the easier, because many of his statements lacked the perspicuity of elementary arithmetical propositions.

It is hard to judge Sieyès' first scheme for avoiding the dangers of single-chamber government, for the whole has never been given a trial, and some of the parts have been but little tested. The parts were indirect election, annual renewal by thirds, and the division for debate into two or more great committees. Indirect election was to secure a high type of representative, not too dependent on

p. 244 sqq. prints a draft of the address from Condorcet's MSS. which is entirely different from the printed version.

[1] By Prudhomme, *Les Révolutions de Paris*, No. 102, June 18th—25th, 1791.

[2] He called it an "œuvre de cabinet." See Aulard, *Les Jacobins*, II., 516—537. Some reports make Sieyès speak on both the 19th and the 21st, but this is probably an error.

[3] *Notice sur la vie.*

popular caprice; and in spite of the distorting influence of party machinery on such a system, which experience has led us to expect, it retains some of the merit with which he clothed it. Renewal by thirds was to ensure that Parliament should reflect not one flash of the nation's will, but its continuous though varying light. When tried, either in central or local government, it has hardly fulfilled these high hopes; but it certainly weakens those arguments against single-chamber government which presuppose the general election, that accidental survival from the days of intermittent gatherings of the estates of a realm. The permanent committees would probably be futile under a well disciplined dual party system. That, however, is not the system which Sieyès contemplated or continental nations have developed. He wished to guard against waves of unreasoning emotion—the passions of the herd—among members with no strict party ties, against the undue powers of ill-considered oratory or personal ascendancy, against the technical incapacities and tumults of very large deliberative assemblies. Had all the pieces of his mechanism ever been put together, still no single judgment of its value would be possible. National temperament and the character of non-parliamentary political organisation would affect its working from country to country. All that can be said is that it was extraordinarily well thought out, and not the product of a shallow system-ridden mind. Its more obvious defects are obvious only in the light of the political experience of the nineteenth century: they are not due to any special blindness in Sieyès.

The sitting of the Jacobins at which the Abbé made his lying recantation is notable in the history of the club. It was the first sitting after the flight of the King. Men of all parties agreed to a declaration of loyalty to the Constitution, based on the fiction of royal irresponsibility. "The King, led astray by criminal suggestions, has separated himself from the National Assembly. Let us be calm." But journalists were talking of Louis as "notre ci-devant," and pacific addresses could not check an outburst of

savage anti-monarchical feeling. The three months that followed saw a re-arrangement of persons and parties in connection with the final constitutional revision. Ever since Mirabeau's death Barnave and his party had been moving from left to right towards the vacant chair. They now meant if possible to strengthen the royal power. Sieyès knew it well. His knowledge accounts in part for the episode of the Voluntary Declaration. He feared lest aristocracy and monarchy should revive together. A further trial of the Bourbon monarchy he tacitly accepted, as a counsel of despair; with aristocracy he would make no terms. But before his tacit acceptance of Louis XVI., the companion episode to the affair of the Declaration occurred.

Less than a fortnight after the return of the royal family a long letter from Sieyès appeared in the *Moniteur*.[1] A wave of republican feeling was passing over Paris and all France. It had as yet barely reached high places, but its force was manifest to all. People were wondering whether some of the men of Eighty-nine would declare against the King whose power they had sapped, whether Sieyès, like his friend Condorcet, would come forward as an avowed republican. "I thought that I could pass my life without ever replying either to insults or to baseless accusation" is the querulous opening of Sieyès' letter. But, it continues, he felt bound to deny the rumour that he was inclining towards republicanism. He was influenced by no "superstitious sentiment of royalism": he simply found "more liberty for the citizen in a monarchy than in a republic." At some later time he hoped to have an opportunity of explaining his belief and of proving to republicans, many of whom were his very dear friends, that on every possible hypothesis monarchy is the more desirable system. The challenge was accepted. On the 16th, Tom Paine, the man to whom Condorcet was transferring his political allegiance,[2] issued a reply in a supplement to the *Moniteur*. The same supplement contains Sieyès' rejoinder. Evidently

[1] Of July 6th, 1791.
[2] Cahen, p. 249.

the dispute was conducted with all courtesy, the parties inspecting one another's arguments before publication. In conjunction with the tone of Sieyès' first letter, which anticipates a reply, this confirms a rumour current at the time that the roles had been arranged in advance.[1]

Paine wrote strongly and confusedly against "the hell of monarchy," and defined republicanism as "government by representation, government founded on the principles of the Declaration of Rights." Sieyès begged to think that he had mistaken the point at issue. Either a monarchy or a republic can be representative. But in the latter, supreme executive power is given to a council chosen either by the people or by the parliament, while in the former all ministers and officials are subjected to "an individual of superior rank, representing the stable unity of government, or, what comes to the same thing, the national monarchy." "The question is almost entirely one of the method of crowning the government." The essential difference between the two systems is that between "a responsible decision by an individual [*i.e.*, a minister] checked by an irresponsible electing will [*i.e.*, of the monarch who chooses the minister], and a decision by a majority devoid of all legal responsibility." Sieyès preferred the former as containing the smaller element of arbitrary power. Hereditary succession to the post of monarch is inadmissible in theory. But, as elective monarchies have seldom proved successful, the Assembly was not to blame for establishing heredity, at a time when any other method of appointment was out of the question. Now, however, "we are accustomed to the elective method; we are aware after sufficient reflection that a great variety of combinations may exist in this matter. One of these is certainly quite applicable to the first post in the state. It seems to me to unite all the advantages of heredity and of election. But circumstances are by no means favourable to its introduction at present, and on this point I am glad to record an emphatic opinion." After

[1] Morellet, I., 410.

this crucial passage Sieyès returned to his contest with Paine and never said what the infallible elective "combination" was. There is now no means of finding out, unless indeed it was the device that he suggested years later in his scheme for the Constitution of 1799; but this does not seem likely. He passed on to complete his discussion of absolute political truths, truths "which may descend sooner or later to fasten on facts," as he put it, when restating his conviction that at the moment there was greater need for a strong than for an improved Constitution. An "executive Senate," he maintained, would be far more likely to degenerate into an oligarchy than would any body of responsible ministers, under a monarch, whose interests must needs coincide with those of the majority.[1] Republicans accused him of having halted half-way on the road to political truth. His answer was that even before the Revolution he had in thought passed beyond monarchy, beyond ordinary republicanism with its governing councils, to conceive of true monarchical republicanism. In fact the real debate should be not monarchy or republic, but monarchy or polyarchy in a republic? There he closed his argument, closing his letter with a sneer at the Assembly and its parties.

Almost every man who has left memoirs of the Revolution speaks of this controversy, so much interest did it arouse. The royalists among them often treat it as a declaration of loyalty to the Bourbons which makes Sieyès' vote in January, 1793, blacker than the votes of other regicides. Republicans are apt to call it a base betrayal of the Revolution. It was neither; but merely as it professed, the statement of an ideal towards which men might work who were out of sympathy with the new democratic republicanism, with its leanings towards government by committee or club, and its dislike of all devices for giving property or tried capacity weight in the national affairs, men who in consequence of this lack of

[1] By an "executive Senate" he meant any assembly that actually governs.

sympathy were disposed to maintain the existing throne. Sieyès had acted in somewhat the same fashion when he wrote his first essays. Then the goal had soon been reached. Whether he anticipated equally rapid movement now cannot be found out. But to those who recall what Mirabeau thought in March, and how the court had treated Sieyès, there is a threatening ring in his "sooner or later" which suggests that his letters, in spite of their guarded phrases, were a last summons to those who had refused his help. Accept the crown of a monarchical republic or—they seem to say. That they were also a thoroughly sincere and remarkably acute exposition of his views on popular republicanism is certain.

The day after the publication of the controversy, the so-called massacre of the Champ de Mars ruined the republican party for a time, and prepared the way for the ultimate ruin of that unnatural coalition between men like Sieyès and genuine royalists of every shade which started the Constitution of 1791. The republicans were cowed; they were in a minority. But the "massacre" and the anti-democratic reaction that followed did much to discredit the new Constitution.

In July Sieyès had joined the newly-formed Feuillants' Club, the headquarters of the various constitutional groups. He can never have been at home there, for the club was controlled mainly by his special enemies, Barnave and the Lameths. Finding the air of the place oppressive he soon withdrew.[1] It is possible, though not likely, that he approved of the changes made in the Constitution under the influence of this party during August—the discreet strengthening of the property qualification for members of the electoral assemblies,[2] and the placing of obstacles in the way of constitutional revision; for he always feared crude democracy. But even if he did approve, before the year was out he had half forgotten his

[1] Challamel, *Les clubs contre-révolutionnaires*, pp. 286, 293. Aulard, *Jacobins*, III., 33.

[2] See above, p. 94.

hatred of the democrats in his fear of a royalist counter-revolution. Distrusting each extreme, he was himself fully trusted by few. He sinks almost out of sight, appearing only at rare intervals, and then usually as secret adviser of the King's enemies.

Excluded by the self-denying ordinance of the Constituent Assembly from a seat in its successor, he resigned his place on the Paris Directory when the Constitution had been accepted, and withdrew from official political life. He lived within a few miles of Paris, exactly where does not appear. No doubt he was in need of rest. Perhaps at first he felt a certain morose satisfaction in watching from the shore the ill-found ship of the Constitution, in the building of which his designs had not been strictly followed. Towards the end of October, he was drawn into a newspaper controversy [1] with the ex-Count of Clermont-Tonnerre about his responsibility for some unsatisfactory details of the design, connected with parochial and municipal organisation. After that he was silent, but his enemies said that he was busy spreading the report that the King was in league with the emigrants and the Powers of Europe against the Revolution.[2] They were right, and he also in substance was right. He says himself that he became convinced, soon after the Legislative Assembly began to sit, that there was plotting for a counter-revolution, and that "he did not keep silence either about the certainty of the fact or about the proper means of stopping its progress."[3] He came to Paris from time to time in order to keep in touch with Condorcet, Roland and his wife, Brissot, Isnard and other critics of the King. When, towards the end of the year, war threatened between France and the Powers his well-founded suspicion of treacherous dealing between the court and the enemy threw him into a morbid apprehension. He feared the King's vengeance; "in his sinister dreams he saw his head

[1] In the *Moniteur*.
[2] La Marck to Mercy, October 30th. Bacourt, III., 258.
[3] *Notice sur la vie*.

rolling on his own carpet," says one who knew him, but not too well.[1] And so, the witness continues, he infected his Girondin friends, and they "worked together to destroy the monarchy to deliver themselves from a sort of phantom that oppressed them." Of a definite Girondin plot against the throne there is no sufficient proof; but there can be little doubt as to the kind of advice they would receive from Sieyès. His enemies got wind of his influence and reported it to the chanceries of Europe, in stories that no doubt were exaggerated, and in some cases baseless, yet are not all without value. In April, 1792, about the time of the outbreak of war, Mallet du Pan heard that he meant to dethrone the King, by means of a declaration from the Assembly stating that he had lost the confidence of the nation. Rumours that came to Berlin said that he meant to have Marie Antoinette tried for treason and to set up the Dauphin as King with a Regent.[2] No doubt many schemes for getting rid of the King passed through his mind, and these may well have been among them. The story which of all is the most probable, in the light of his whole career, came to Mallet's ears in May. Sieyès and his friends, it ran, meant to strip Louis almost entirely of his remaining attributes, reduce the civil list to five millions of francs, and eventually reject the Bourbon dynasty to set up some kind of King-President at the head of an executive council.[3]

Whatever they hoped or thought, all the more accredited leaders of opinion in Paris were still professing belief in monarchy or loyalty to the Constitution in June. Vergniaud and Roland, Robespierre and Camille Desmoulins, even Condorcet must be reckoned constitutionalists if judged by their words. Avowed republicans we are told

[1] Dumont, *Souvenirs*, p. 391.

[2] Mallet, I., 260. Sybel, *Gesch. der Revolutionzeit*, I., 369. Glagau, *Die französische Legislative*, p. 24.

[3] Mallet, I., 249. M. Cahen thinks that this was probably Condorcet's wish also. *Condorcet*, p. 343. See also Montjoye's newspaper, *L'Ami du roi*, I., 290, and Salamon, *Correspondance*, p. 386.

were few.[1] The mob of the faubourgs was suspicious and ripe for violence, but retained no small measure of unreasoned faith in the King. The old feeling that he must needs mean the right was still alive. But behind the words of the party leaders lay a distrust of the court which, if not technical republicanism, was at any rate the stuff of which regicide is made; and the remnant of personal loyalty in the faubourgs was not proof against a little hunger, a little fear, a little further witness—true or false—of royal treachery. Monarchy lived through the tumult of June 20th, even with increased prestige, because the events of that day appealed to this remnant of faith in the goodness of the King. Then war came near. The army fell back. In Paris the Assembly swore to uphold the throne; a few days earlier it greeted with stormy applause Vergniaud, rising to denounce the treachery of the court. It vowed to serve the King; the majority honestly wished to serve him. Then straightway it took measures to check him at every turn, for it could not believe that he was dealing openly, and it did well not to believe.

Up to the middle of July Sieyès continued to advise the Gironde. When the fatherland was declared in danger, on the eleventh, Vergniaud, who proposed the motion, acted on his advice.[2] He is described at this time as full of zeal for a change of dynasty, "repeating more than ever his principle, that the Constituent Assembly made a great blunder in thinking it could make a revolution" and retain the old royal house.[3] How long this had been a principle one cannot tell, but through all these reports of varying worth there shows a consistent and probable evolution in his opinions and tactics. About the end of the month he left Paris, we do not know why, to stay with a friend "at a distance of more than sixty leagues"

[1] Aulard, *Hist. Pol.*, Ch. 8.

[2] For this I have only the authority of Lamartine, *Les Girondins*, III., 27; but Lamartine claimed to have first-hand evidence of Sieyès' relations with the Gironde from a lady in whose house they met, IV., 244.

[3] From a MS. letter of Pellenc quoted in Aulard, *Hist. Pol.*, p. 211.

from the capital, we do not know where. In his absence the monarchy fell; the Duke of Brunswick and his army crossed the frontier; the revolutionary commune began to rule Paris, whilst the Assembly, unable to control the commune, swiftly lost its hold both on Paris and on France. Sieyès saw the danger, and wrote from his retreat, on hearing of the King's fall, to know "whether the legislature had seized the Government, and proposed to direct it itself till the new Convention should meet."[1] If he ever received a reply it must have been unpleasant reading. For him the outlook was no less gloomy than it had been in the spring. There was to be a Convention and a new Constitution it is true, but he had lost his first hope. Elections began late in August, and he must soon have known that he would be returned. But the prospect gave him no pleasure. The electoral machinery that he had helped to make had, to his thinking, been put out of gear by the dying Assembly. Although indirect election was for the time retained, on every hand appeared a movement towards simpler democratic forms. The distinction between active and passive citizens was gone; there was not even a tax-paying qualification for members, and the age of legal majority for electors was lowered. At Paris the September massacres gave sickening proof that democracy was not wedded to justice, and no one could tell how soon Brunswick's expected victories would bring bloody reprisals.

Three departments elected him a member of the Convention, Gironde, Orne and Sarthe. He chose Sarthe, and came to take his seat on September 21st. Travelling towards Paris, presumably from Le Mans, at Étampes, he met Grégoire, who came from Vendôme, and the two priests posted northward together on the great Orleans high road. "He told me," Grégoire wrote long afterwards, "that he built few hopes on the Assembly of which we had been chosen members."[2]

[1] *Notice sur la vie.*
[2] *Memoirs*, I., 410.

## CHAPTER V.

### THE CONVENTION AND ITS COMMITTEES.

HAVING abolished royalty and proclaimed the republic one and indivisible, the Convention, on October 10th, elected a constitutional committee. It existed to make a Constitution with the fitting complementary laws, and it did in fact make two Constitutions in three years. But France must be defended and governed, Paris tamed or obeyed. A King lay in prison untried. The September murderers and their paymasters were not yet punished. For power to judge and punish, to govern and defend, the parties grew and fought, while the men of the faubourgs with pike and cannon watched the course of business. Legislative discussions, above all constitutional discussions, were fevered, broken, too often decided by violence. The best laws were as a rule incomplete or imperfectly applied, the Constitutions still-born or short-lived. And yet the law-making committees of the Convention have a meaning wider and deeper than that of the Committee of Public Safety itself, for they handled not the passing fortunes of a great nation, but the political ideals of the modern world.

There were nine members of the committee on the Constitution — Barère, Brissot, Condorcet, Danton, Gensonné, Paine, Pétion, Sieyès and Vergniaud. Sieyès had also been elected to the Committees of Education and "Division"—of departments and so forth—, but a vote of September 28th had decided that no one should sit on more than one, so he chose that of the Constitution.[1]

The composition of the committee was regarded as a

[1] Aulard, *Les Orateurs de la Convention*, I., 67. Pétion's place was soon taken by Barbaroux.

victory for those who denounced the tyranny of Paris, and sought to fasten on Danton and Robespierre responsibility for that tyranny and for the massacres of September. They were grouped about Roland, his wife, and their friends of the Gironde. The Jacobins Club, now become decidedly anti-Girondin, was so suspicious of the committee that it chose an "auxiliary constitutional committee" of its own. Throughout the winter the official body worked on, but no records of its work have survived except the report laid before the Convention in its name by Condorcet on February 15th, 1793.

Sieyès had headed the poll. His success was mainly due to his reputation, still great in the eyes of nearly all parties, and the greater because he had taken no share in the controversies of the summer. Friendship with members of the Gironde helped him; but he was never reckoned of the inner party, even by its enemies, though he gave the leaders advice enough. Like them he detested the irregular authority of the Commune of Paris, feared the violence of the faubourgs, and hated Robespierre. But it seems that he foresaw the consequences of their reckless attack on the imaginary triumvirate of Robespierre, Danton, and Marat. He believed, and with reason, that Danton was ready to come to terms, and that nothing was to be gained by estranging him further. His advice was dropped at Mme. Roland's salon and other houses of mutual friends; but he could not take a leading part in the Convention, for he was no orator; he would not have taken it if he could, for he was detached and becoming cautious to the point of cowardice. His friends were not wise enough or docile enough to follow the road that he indicated, as it were, with a jerk of the thumb; or perhaps they were too high-minded to make terms with Danton of Paris. Sieyès' advice to them during the late autumn of 1792 is said to have been this[1]: firstly, an understanding with Danton; secondly, the support of Dumouriez and his now victorious

[1] Lamartine, IV., 244. See above, p. 132, note 2.

army; thirdly, the summons of an armed force from the departments to protect the Assembly against Parisian violence; then only an attack on those who ruled at the Hôtel de Ville. Finally, with the government concentrated in the hands of a Directory, France might carry on a glorious war against aristocracy, royalty and superstition throughout Europe. Whether this was his exact scheme may be doubted; its constitutional conclusion is particularly suspicious; but it is the most trustworthy account we have of tactics which were certainly superior to those of the Gironde.

At this time Sieyès was doing no public work outside the constitutional committee, but in January of 1793 he was called to what might have proved an important post. The Convention, knowing that the government lacked concentration, and anticipating trouble with England, appointed a Committee of General Defence to supervise the ministries and direct foreign affairs. But it was a cumbrous group of twenty-one, three chosen by each of the chief existing committees. With Sieyès went Gensonné and Barère. This "polyarchic" governing body had a short and unimportant life, and Sieyès retired from it after about a month. Re-elected, when it was itself remodelled on March 26th, he hesitated a few days and then declined. On April 6th, the Convention swept it away and chose in its place the nine members of the First Committee of Public Safety.[1] Sieyès' only work for the earlier committee was to draft a report on the reorganisation of the Ministry of War. This occupied him during the final stages of the King's trial, and he read his report four days after the King's death.

Little is certainly known of Sieyès as regicide beyond his four votes. Is Louis guilty? Yes. Shall the judgment be ratified by the primary assemblies? No. What shall be the penalty? Death—not "la mort sans phrase" as tradition said. Shall the penalty be delayed? No. The

[1] Aulard, *Recueil des Acts du Comité de Salut Public*, I., 391; III., 81.

death vote was probably sincere, though perhaps he would have been content with perpetual banishment.[1] At the last moment Malesherbes, the King's noble defender, sent a certain Abbé Lajare to interview him, on what errand one can well guess. They had served together in the Assembly at Orleans in 1788. Lajare was barely in the room when Sieyès cried :—" I understand you : he is dead, dead ; let us talk no more about it." Many things could be read into the votes and the story[2]; they are best left with a single comment : if Sieyès ever regretted the votes, he never let anyone know it, but they marked his later life with the bitterness of fear.

The military report, in itself of no great interest, shows Sieyès handling an administrative problem.[3] He boasts of having neglected all previous systems and " returned to the nature of things." Whether in consequence of this or not, the proposals seem in the main reasonable and well considered, if untimely. There is a little undue stress on what he called " the order of ideas," that is a thoroughly logical classification of topics. It is possible to be logical with less parade of one's logic. Very wisely he insists on the need for a single minister, responsible for the whole military administration, not a board, since in executive matters decision by majority is " a capital error." After sketching a rearrangement of departments in the ministry, he passes to the armies. Generals are to have absolute military control and must often have a measure of economic and administrative authority. But to keep the soldier in his place, the control of supplies and all non-military organisation is left normally to an agent of the minister, to be called an " adjoint-ambulant." In case of great disasters you do not give the general a dictatorship, you increase the power of this official with the ugly name. " My object," said Sieyès, " is to prevent rather than punish

[1] Lamartine, IV., 254.

[2] It is in Mallet, II., 491, and can at best be but second-hand ; but I see no special reason for rejecting it.

[3] It is in the *Monite ur* of January 25th, and is also printed separatel

abuses of authority; for surely (this in a grim aside) it will always be a grave misfortune to see the head of a great functionary fall beneath the sword of law." The adjoint in his turn will require to be checked in his dealings with the people. So the interests of those who furnish the supplies are to be watched by "a sort of municipal jury easily organised." Incidentally Sieyès deprecated the great economic activity of the war department. Why not encourage private industry, since government manufacture was invariably worse and more costly? And he was anxious to arrange purchases of military stores so as to disturb the markets as little as possible, clinging to Adam Smith out of season. The scheme got no further than print. Its dividing of functions, its safeguards and balances and ordered ideas, have nothing in common with the monstrous activity of Carnot and the Deputies on Mission.

By this time a Constitution was nearly ready. On February 15th Condorcet began to read an immense introductory discourse.[1] His feeble voice broke under the strain and Barère had to finish. Next day Gensonné read the Constitution itself. It was Condorcet's work in the main. Once he had been Sieyès' pupil, and he still reflected many of Sieyès' ideas. Latterly he had come under Paine's influence. While at work on his draft he conferred much with Paine, with Sieyès—so far as is known—not at all.[2] Nor is there any single record of activity on the Abbé's part in committee. Probably he judged that this was no time for much of his doctrine. Still many things in the draft must have gratified him. In the matter of territorial division, departments of course remained, but districts were suppressed. So too, however, were those tiny municipalities of 1789 that Sieyès so much disliked. Great communes would take their place, each containing several definitely subordinate "municipal sections" and many primary assemblies. On the side of justice, Sieyès would welcome the civil jury, still more perhaps the national

[1] In his works (ed. 1804), XVIII., 155 sqq.
[2] Cahen, *Condorcet*, pp. 467, 399. See also Conway's *Paine*, Ch. 16

Grand Jury for cases of treason, though he would dislike the method of electing it. And Condorcet in his discourse spoke with deference of the device for splitting up a single-chamber legislature. He himself did not think the device indispensable, but he commended it to the thought of the Convention and drafted a series of clauses establishing its use, should they see fit to adopt it.

So far the influence of Sieyès. But in greater matters his doctrine was systematically defied. The committee held the democratic dogma in its simplest form, and intended, as Gensonné had said in January, that the people should have every facility for controlling "the private wills of its delegates." This control was to be exercised by means of the referendum and by granting to the primary assemblies the right of initiating legislation. Add the abolition of indirect election and of all property or tax-paying qualification for the exercise of public functions, the single-chamber re-elected bodily every year, the executive council of seven chosen directly by the people, and the measure of Sieyès' impotence or reticence is clear.

For weeks the Convention was too busy to deal thoroughly with the report. Meanwhile the Jacobins abused Condorcet for having so much as referred to two chambers: he had dared to say that, if properly organised, the system was "not contrary to natural equality." When the whole vast thing was printed, clauses referring to Sieyès' sections were found in the body of the Constitution. This was a cause of offence in the Convention, until the committee put up Barère to lie for it and withdrew.[1] Not until after the middle of April did there begin some weeks of disjointed constitutional debate. Before anything had been decided, the Commune forced the Convention to imprison or outlaw the Girondin leaders, and the draft Constitution, which was regarded as the work of the fallen party, went down with its makers.

Sieyès was in no danger. He did not agree with the

[1] *Moniteur*, February 22nd. Duvergier de Hauranne, *Histoire du Gouvernement Parlementaire*, I., 272.

Gironde, and he had taken care not to associate himself too closely with those whose fall he had foreseen. The constitutional committee having expired when the reading of its report was over (February 17th), he had at once resigned from the Committee of General Defence. Possibly his resignation was connected with the attack on the two-chamber system made that day at the Jacobins. Maybe he reflected that, if he remained longer in the public eye, responsibility for this most unpopular section of the report of a waning party might be fastened on him. He had not forgotten the calumnies of 1791. A few days later he had secured a quiet and congenial post on the Committee of Education, where places had also been found for Condorcet and Barère. He turned eagerly to his new task. Here at last was a sheltered field where he might hope to do good work safe from the worst storms of parliamentary life.

With the fall of the Gironde, a civil war that was now general and a fresh foreign invasion struck at the life of the nation. A Constitution, some symbol by which all who cared for the Republic might swear, must be found. On May 30th, the Convention, at the request of the Committee of Public Safety, had appointed five of its number to share the labour of constitution-making with the nine members of the committee itself. Hérault de Séchelles was draftsman and, by means of free borrowing from Condorcet and the constitutional committee of the Jacobins, he was ready on June 9th. His work was at once approved by his colleagues; discussed hurriedly by the Convention in June; accepted by the people in July; proclaimed and enthroned in August, and never obeyed. Before the close of autumn all power was with the Committee of General Security, and the second, the great, Committee of Public Safety and the Government of France had been declared revolutionary, so long as the war should last.

Except as a silent voter, Sieyès had no part in this. Hérault borrowed from him also, but that hurried compilation with the great destiny—during two generations

and more it remained the standard of Republican belief—was not his work. While Hérault compiled Sieyès spoke out for the last time before the Terror on behalf of his old teaching. But not in the House; there he feared to speak. He fell back on the methods of the club of 1789 and helped to found a journal, a reasonable and scientific journal, whose prospectus was issued in May, just before the leaders of the Mountain called on Paris to rid them by insurrection of the Gironde. He himself had not lost hope in the appeal of reason to a mad world, and he had with him again the triumphant philosophic faith of Condorcet. There was another colleague also, Duhamel, the scholar and philanthropist, who at his own charges had founded and was still successfully conducting one of the first schools for the deaf and dumb. This little paper was called the *Journal d'Instruction Sociale;* its business to recall a forgetful people to the study of the social art. Natural law, positive law, political economy and all that belonged to politics came within its range. It took a special interest in the analysis of scientific terms, particularly those that might elucidate problems of morals and of the social art. This was Duhamel's province; the more general work fell to Condorcet and Sieyès. The authors hoped—it is still the prospectus that speaks—to serve the public by aiding the formation of sound opinions and demonstrating the follies of quack politicians. It was not a catechism that they meant to write, rather an aid to independent reasoning. If profit resulted, it would go to Duhamel's school.

Only six numbers of the Journal ever appeared,[1] for two days after the issue of the sixth Condorcet was proscribed and his arrest ordered by vote of the Convention. This was not a result of his connection with the Journal. His articles, contrary to what the prospectus might have led one to expect, attacked neither the Mountain nor the revolutionary government of the committees, nor yet the Commune of Paris. Where he sinned was in denouncing

[1] June 1st; July 6th, 1793.

Hérault's Constitution in an anonymous printed letter that was circulated in the provinces.[1] He had blasphemed the new symbol of the Republic; it was said that he had encouraged rebellion and civil war, and for these things after months of hiding he was at last hunted to death. In the Journal Sieyès had criticised the trend of political opinion with far less sympathy than he; but Sieyès had made circumspect general attacks, and the Journal was hardly popular enough to be dangerous. Moreover, according to his own account, he had held his tongue as soon as he was bid. The topic was naturally connected with representation. "I see with grief," an article begins in No. 2, "that the representative system is . . . being abused in the name of liberty. It is a great misfortune." His exact theme then is the relation of representation to liberty, his article an old motif with variations. It does not quite reach direct and indirect democracy, but breaks off after demonstrating the folly of girding at social ties and complexities which, if we reject, we become the slaves of irrational external conditions, our independence becomes the brainless independence of the man who will not be beholden to the ladder that helps him into a loft during a storm. A promised sequel never came. Two years later Sieyès hinted that he was silenced at this point by the government of the day.[2]

His articles in the later numbers dealt with questions of education exclusively. All kinds of proposals had come up for debate in the Committee of Public Instruction, since he and Condorcet joined it in February. What part he took in these debates we do not know.[3] Now, in the fourth week of June, he presented a perfect code of his own; he read it in committee and printed it in his Journal. Since the early days of the Revolution scheme after scheme had been brought forward, and so completely had the

[1] Cahen, *Condorcet*, p. 519 sqq.
[2] In a speech of July 20th, 1795.
[3] See Guillaume, *Procès verbaux du Comité d'Instruction . . . de la Convention.*

various aspects of national education been elaborated that originality of general plan was hardly possible. Taking only the greater reports, we have Talleyrand's of 1791, Condorcet's of April, 1792, and Lanthenas' of November, 1792; and besides reports, there are speeches and papers of Robespierre and St. Just, stuffed full of Rousseau and the classics. Yet Sieyès stamped himself upon current educational theory, made his own distinctive contributions to it, and turned his back contemptuously upon classical imitations. Like everyone else he deplored the fatal delays: "for nearly four years the youth of France has been, as it were, abandoned." Here as elsewhere the old had been destroyed before the new was ready. There was a rough educational system in ancient France. The crown had tried to provide elementary schools in every parish, and in some parts of France it had very nearly succeeded. Cathedral schools, Jesuit colleges, colleges of the Doctrinaires, and similar institutions existed in all the towns. Huge gaps there were, of course; there was little elementary education for girls; the village schoolmaster was often a poor creature; curricula were antiquated. But the system had given France an educated middle class and a peasantry not absolutely illiterate.[1] The Revolution had promised much, disorganised much, and as yet created nothing. In the true and best spirit of his age, Sieyès meant that education should no longer be mainly intellectual and literary. It must have its moral and physical aspects. For its business is with the whole man, "and when it has tried to perfect the individual, it seeks to improve the race." Not children only, but men and women of every age are its concern. Here in outline is the noble and general bequest of eighteenth century philosophy.

With the transition to educational politics Sieyès' personality begins to tell. The task of the legislator is to fix the goal, not "to determine methods, to prescribe truths"; he is the engineer, "commissioned to supply a

[1] For elementary education, see Levasseur, *Histoire des classe ouvrières*, II., 859, and references there.

town with water." Questions of method and discipline are determined by a small central commission or board, closely associated with the national executive. Inspectors appointed by the local authorities enforce its decisions. The primary education—which is common to all—is alone to be gratuitous, and therefore it is with primary education that the report is principally concerned; but there will be provision for "scholarships" to the higher grades, and some of the old free secondary establishments will be retained. In this Sieyès is returning to the earlier revolutionary tradition. Universal gratuity with universal state management was the favourite pattern in 1793. Sieyès proposed to leave much higher education to private individuals and private corporations, and laid down expressly that anyone was at liberty to start whatever type of school he pleased, subject to a measure of public control. Perhaps he recalled Adam Smith's eulogy of educational competition. If the outcome of his meditation—the free primaries, the board, the inspectors, the "educational ladder," the scope for private or corporate action in the upper grades, if all this is familiar to weariness, it only shows his prophetic handling of the course of a people's education, when that course is directed by the liberal and half individualistic spirit which was his and is still ours, rather than by the spirit of absolute domination common to the Jacobins, Napoleon, and the heirs of both.

Not that Sieyès lacked the desire for dominion over souls. It shows in his scheme, where he proposes to establish his earth religion of nature and humanity through a system of public fêtes, that are to preside over the life of the child, to give emotional colour to the life of the nation, and to replace the ceremonial splendours of the church. Every child is to be taught dance and song and gymnastics, so that it may take its place in the fêtes; the boys military exercises, partly to the same end. In every canton there will be a theatre where the men practise music and arms, the women music and dancing, both

men and women historic pageantry, "that they may give the national fêtes more beauty and grandeur." Every canton has sixteen annual fêtes, every district ten, every department eleven, the nation five. Presumably the children would attend all, or almost all, the fêtes of canton and district, and from time to time a departmental fête, or about one every fortnight. An energetic citizen with a taste for pageantry could have his weekly fête, for the number that might be established was not limited to the legal minimum. In the cantons—Sieyès uses the older local nomenclature—are to be celebrated the opening and the close of field labour, youth and marriage, motherhood and old age, the invention of writing, of navigation and fishing, or "the perfecting of language." There is also the festival of "the animal companions of man," and others more political in character. At the capital of the district the citizens bless the harvest or the vintage, liberty, equality, one of the greater virtues or the memory of their fathers that begat them. The departmental gatherings are in honour of the seasons, of the arts, of peace and war—jointly, since war is waged only to win peace—or of great national events, such as the destruction of orders or the abolition of privilege. At Paris the whole nation joins to honour, with dance and song and solemn ceremony, the brotherhood of the human race, the visible universe, the Revolution, the destruction of royalty, and the French people itself. A stately programme with its own grandeur, if also with its own grotesqueness, a programme that reflects the very reverse of the bookman's contempt for organised public emotion.

Only for the primary schools have we details of organisation and curriculum. There is to be one school for every thousand of the population, each with its boys' and girls' side. The schoolmasters all have the same salary. They teach their children to read, write and cipher, and to use dictionaries; also the elements of geometry, physics, geography, morals and social science.

Boys learn craftsmanship, girls sewing and knitting. And several times every year they all pay visits to factories and workshops, hospitals and prisons. Their prizes are given at the canton's fête of youth. Both boys' and girls' sides are organised into "societies modelled as nearly as may be on the plan of the great Republican body politic," and this organisation will be utilised for discipline—elected monitors, one must suppose, in the absence of further indications.

Your country schoolmasters, besides teaching the young, will lecture publicly from time to time on such themes as morality, citizenship and rural economy; for the scope of education is as wide as the duties of the schoolmaster are exacting.

A separate section of the code deals with libraries and the like. At Paris, of course, a national library, and besides specialists' libraries for each science, art, or branch of letters. In every district a free public library. The central commission is to decide what existing upper schools, learned societies, museums, or collections are to be preserved, and the Assembly will add to their number as it sees fit. It will also establish technical schools and museums of arts and crafts.

Some alterations were made in Sieyès' scheme by the committee before it was laid before the Convention. They are described with ill-humour in his journal. Many of his fêtes were suppressed, notably the feast of the visible universe—"the first and most general of all," Sieyès grumbled—and the feast of the animal companions of man. They said the feast of the animals was too materialistic, a most amazing objection "in this second year of the Republic," wrote the Abbé. And the central commission was modified. Sieyès wanted a small body of experts under but slight parliamentary control. It was to draw up a list of names fit to fill its own vacancies, and from that list government had to make a selection. Above it was only the Executive Council of the nation. His colleagues, however, subjected it to a special com-

mittee of the Assembly and so took away its initiative. External pressure was responsible for this administrative change. A furious Jacobin, one Hassenfratz, had denounced the scheme of "Sieyès the priest" at the club on June 20th. Hassenfratz "had watched this Tartuffe as Aspasia watched the viper," and he found the commission altogether detestable and aristocratic. How could it be otherwise, since Sieyès "had always acted with duplicity, had affected a love of liberty," whilst in truth "gangrened with aristocracy?"[1] Even the revised scheme suffered similar criticism. The abandonment of secondary education to private enterprise was specially unpopular. The root of the matter was anticlerical. Sieyès had two prominent supporters on the committee, Daunou and Lakanal, who read the report in the House. Both had belonged to ecclesiastical teaching corporations, Daunou to the Oratorians, Lakanal to the Brethren of the Christian Doctrine. So it was easy to treat the whole report as the work of a mean cabal, bent on securing life and power for the teaching orders. Whatever Daunou and Lakanal hoped, no one can suppose that Sieyès meant to help the Church. His idea seems rather to have been to utilise old and new teaching bodies as checks on that excessive state interference which he disliked in educational as in economic affairs. But the current set strongly against him.

His revised plan was thrown out early in July, just before the last number of the journal appeared, from which time forward he and Daunou took no more part in the work of the Committee of Public Instruction. While Condorcet lay hid at old Madame Vernet's pension in the Rue Servandoni, the Convention welcomed, and in the end adopted, a scheme of education, the child of his own proposals.[2] Great and durable foundations were laid upon which the world is still building, but the Revolution never managed to fashion

[1] Guillaume, p. 525. Aulard, *Les Jacobins*, V., 281.
[2] Guillaume, p. 25.

a complete system of elementary schools. Just after Condorcet's outlawry the Committee of Public Safety was renewed. Under Danton's influence it had been inclined to treat the fallen Girondins with leniency, but the victory of the extreme Jacobin party now led to Danton's exclusion. In August and September terror became the order of the day; and the Queen, the Duke of Orleans, the old nobility, constitutional royalists, Girondins, unsuccessful generals, and all who hindered or failed to help the new government passed in order by way of the Place de la Révolution. The rebel provinces were subdued and the foreign soldiers driven out of France.

Sieyès lived trembling at his house in the Rue St. Honoré, near to the Church of St. Roch. He shunned publicity as much as he dared. His name only appears once in public records between July, 1793, and December, 1794. It is in the *Moniteur* of November 11th, 1793, in a parliamentary report of the previous day, the day of the Feast of Reason. Addresses were read to the Convention, some announcing "philosophic incursions into churches which have produced a prodigious quantity of plate," others "the abjurations of a number of priests." Then Sieyès rose and said he had long looked forward to the triumph of reason over fanaticism. Indeed he had, but to this triumph? He continued:—"The day has arrived. I rejoice over one of the greatest blessings of the Republic. Although I abandoned all things ecclesiastical many years ago . . . let me take advantage of this new opportunity to declare again, and a hundred times were it necessary, that I know no worship save that of liberty and equality, no religion but love of humanity and my country. I have been a victim of superstition, but never its apostle or its instrument." What he had to give up he gave, the pension granted by the Constituent Assembly and so won the applause and passing popularity that he needed; for he had enemies in high places who must if possible be disarmed. Hearing of it an old English

acquaintance wrote to a friend in disgust:—"Are you not astonished to see Sieyès in all this standing up in the midst of his fellow murderers and claiming applause for his having so long ago thought like a philosopher. Ill as I long thought of him, I did not imagine him capable of such degradation."[1]

He mixes with the silent crowd who voted the laws and proscriptions of the Reign of Terror, who sacrificed fellow citizens and friends through distorted patriotism or through fear. He was not among those who protested against the expulsion of the Girondins. Vote he must from time to time. A man of his position could not live in Paris and abstain without risking the charge of "egoism" or indifference. But he stayed at home as much as he could. As an old man he used to tell how when denounced at some Jacobin gathering, he was saved by his cobbler, who assured the meeting that Sieyès was no politician and lived among his books. "I mend his boots, so I know."[2] Some members of the Great Committee suspected him, but could find no satisfactory indictment. For a generous man there should have been indictments enough. According to Barère, Robespierre tried more than once to lay hands on the Abbé, but always failed.[3] Sieyès had bound himself to no party, and all his public acts were by Jacobin standards correct, his votes at the King's trial, his failure to support the Gironde, his blessing of the Feast of Reason. So he lived on, daring only to jot down in his commonplace book a few bitter phrases, records of his misery and rage, apologies before his own conscience for his cowardice. "Jusque datum sceleri." "Ruit irrevocabile vulgus." "Aucun d'eux ne dit: 'Il voit mieux que nous.' Ils disent tous. 'Il voit autrement que nous, donc c'est un homme dangereux.'" "Vous vous taisez? Qu'importe le tribut de mon verre de vin dans un torrent de rogomme?"[4]

[1] Sir Samuel Romilly, *Memoir*, II., 36.
[2] Sainte Beuve.
[3] *Memoirs*, II., 279, 430: doubtful evidence of course.
[4] Sainte Beuve.

While Robespierre suspected him of secret plottings against himself, another member of the Committee—C. A. Prieur—fancied, ridiculously enough, that he wanted to set up a triumvirate, composed of Robespierre, Couthon and St. Just; and among the spies and gossip-mongers of Europe the names of Sieyès and Robespierre were sometimes linked together, usually with a misunderstanding of Robespierre's part in the work of the committee.[1] All the world knew Sieyès' name, and, wanting some explanation of Robespierre's ascendancy, easily believed that Sieyès was cause, Robespierre effect. The most circumstantial and elaborate of these rumours are contained in a series of secret reports sent to Lord Grenville by Drake, the English resident at Genoa, who had them from an agent of the Count of Provence at Venice. They cover the period from September, 1793, to July, 1794, and, apart from their relation to Sieyès, are an interesting example of the type of information supplied to foreign statesmen during the Terror.[2] Professing to give first-hand information of debates and votes in the Committee of Public Safety, furnished by a treacherous secretary, and of what happened at other gatherings of revolutionary statesmen, they make a wonderfully impressive story in which Sieyès is the villain. Robespierre is his puppet; from without he rules the Committee; he is responsible for many of its worst acts. The letters bristle with dates, specific references, reports of speeches. But they will not stand scrutiny. They do contain much curious information, swept together by royalist spies and dexterously edited by royalist agents, and some of the information is of value. But there is endless misrepresentation and lying. Foul stories are invented and inserted wholesale. Harmless acts of the Committee are distorted into atrocities. The

[1] For the suspicion of Prieur "de la Côte d'Or," see *Mémoires sur Carnot par son fils*, I., 521—522. For European rumours Gower, *Despatches*, p. 369. Montgaillard, *État de la France au mois de mars*, 1794. Tissot, *Histoire de la Révolution Française*, V., 443.

[2] *Dropmore Papers* (Historical MSS. Commission), II., 456 sqq. For a detailed account and criticism of these documents, see my article in the *English Historical Review*, XII., 67.

"secretary" is even ignorant of its membership. In no single case do the votes as reported agree with the actual votes.[1] St. Just makes speeches in Paris on days when he was at Strassburg. In brief the reports are surely party forgeries of a bad type. Yet there is foundation of a kind for many of their legends, distorted as the truth invariably is; and it is possible that in the case of Sieyès that foundation consisted in occasional advice given to the Committee or to some of its members.[2] But if he gave advice that advice is lost, for no story in these reports can be accepted without confirmation. Robespierre he can hardly have advised, unless it were in the utmost secrecy. He knew the rumour that he had done so, and in 1795 he formally denied it—said he had never even spoken to Robespierre.[3] Had he been lying, plenty of witnesses could have come forward then or since to shame him. No one ever came. Barère, Carnot, Prieur—all members of the Committee, all his enemies—wrote or spoke of him bitterly in later life, but they never said this was a lie. Prieur's vague and foolish suspicion is in this case more than outweighed by Barère's direct negative.

Sieyès would seem in many ways more respectable had he been, not indeed the scoundrelly adviser invented by royalist spies, but a fanatical terrorist like St. Just. There is nobility in the ceaseless labour and patriotic passion of the true Montagnard. Patriotic passion Sieyès had, but in later life he never credited it to the men who ruled in 1793 and 1794. He gave them his silent support while they ruled, and denounced them ever after. His own excuse was that, in so dark a night, one could do nothing but "wait for the day"; but by waiting he took his share of responsibility for the deeds of the night. And

[1] Printed in Aulard's *Recueil des Actes du Comité de Salut Public.*

[2] Tissot, a well-informed contemporary, *Histoire de la Révolution Française*, V., 443, says :—"Sous le Comité de Salut Public il [Sieyès] prêta souvent l'assistance de ses conseils," which supports my conjecture. But it may refer to the period after Robespierre's fall, when Sieyès both advised and sat on the Committee.

[3] In the *Notes sur la vie.*

he suffered for it. His career is split in two: his character is the worse from this time forward. Not even his set and rigid personality could cower through that night and remain altogether the same.

Robespierre and the system for which he stood were overthrown in Thermidor by a coalition headed by certain subordinate terrorists, who loathed his pious ways and feared for their necks in the making of his reign of virtue. At the last moment a group of deputies from "the marsh" joined the attack, but it was some months before the reaction against the agents and methods of the Terror became so general, as to give the various groups of more moderate men preponderating influence in the government of France. During those months Sieyès waited. As reaction gathered strength, he saw a way opening back to prosperity and power and stepped out along it discreetly. The form of government in France was now a matter of life and death to him. He could scarcely hope to survive either a restoration or a second spell of ultra-Jacobin rule. So he became cautious or reckless according as difficulties might be avoided or had to be faced. He could seldom stay to consider whether the narrow way of necessity was part of the philosopher's road of 1789.

Towards the end of 1794 his name appears again in the records of the Convention. He is chosen to supervise the working of the new École Normale: he declines. He is nominated a reserve member of the Committee of Legislation: he accepts. By this time reaction has brought with it the impeachment of various survivors from the old Committees of Public Safety and General Security. The lot marks out Sieyès for the commission of inquiry into their guilt. He tries to escape, explains that one Porcher is absent from the Committee of Legislation, and that he, as reserve member, must fill the gap. But a deputy observes, "it is most astonishing that Sieyès should resort to subterfuges to avoid carrying out his duties";[1] another

[1] *Moniteur*, December 31st; sitting of December 29th.

reminds him that he must abandon his indifference and "be more exact at his post." So he is forced out into the open, takes his place on the commission, and has one more reason to fear the Terrorists. Having committed himself he became active and apparently took the lead among the commissioners. So at least Barère, one of the accused, said,[1] and he should have known. After two months' deliberation the report was read by Saladin (March 2nd), and as a result Barère, Billaud-Varennes, Collot d'Herbois and Vadier were tried and eventually condemned to transportation.

By that time Sieyès was back again in the thick of public life. His return had been announced in striking fashion. Early in February, 1795, there appeared in Paris at Maradan's bookshop a pamphlet with the title *Notice sur la vie de Sieyès . . . écrite à Paris en messidor deuxième année de l'ère républicaine.* It was printed in Switzerland, where at the same moment a German edition appeared with a more remarkable title: *Ueber Sieyès' ens Leben, von ihm selbst geschrieben.* In England copies of a second translation, rather a bad one, were on sale at 72, St. Paul's Churchyard. Both French and English versions contained statements that left no doubt about the authorship; so, although the German edition was not much read in the west, all the outside world knew that Sieyès had written his apology. The true story of its composition was told for Frenchmen in the *Journal de Paris* of February 12th. "We are informed," wrote Roederer, the editor, an old friend of Sieyès, "that he drew up this notice in connection with a narrative of his life, written last year in German and printed in Switzerland as a preface to his works. . . . He intended at first only to correct this inaccurate narrative. . . . But in recasting another's work he made it his own." The "inaccurate narrative" was composed by a certain J. G. Ebel, and is printed in the first volume of the German edition of Sieyès' works. It

[1] *Memoirs*, II., 281.

was submitted to Sieyès in manuscript by Konrad Oelsner, a German admirer who lived in Paris, during the summer of 1794 and the new version was subsequently inserted in the second volume. At Sieyès' request Oelsner and Ebel arranged for the publication of French and German editions in Switzerland, but not, it would seem, for the English edition, which is probably an unauthorised rendering.[1]

It is hard to believe that the text was all written, as the title page professes, "au grand soleil de Messidor" in the second year of the Republic, a month before the fall of Robespierre. Perhaps it was drawn up in Messidor and revised in the cooler and safer air of Brumaire or Frimaire. In this able and exceedingly bitter piece of writing, Sieyès tells his own story as he would like the world to know it and lashes his foes of every party, aristocrats of the old order, false friends of the Constitution, Terrorists of the second year. Here it is that he repudiates complicity in the crimes of Robespierre, recounts his failures and explains them all by the perfidy of his enemies, men of low minds who cannot grasp that "desire for public prosperity and social perfection," which bears up and engrosses the political philosopher and keeps him from the bloody arena of party strife. "They do not even suspect that the social art can fill the philosophic artists who practise it with enthusiasm just as the love of painting, architecture or music fills the mind of painter, architect or musician." When Sieyès has been wrapped in meditation these lewd fellows, judging him by themselves, have assumed that he was busy with intrigue. In reality, "whenever Sieyès has been disposed to act he has shown himself, and whenever his influence has not been manifest, it has been because he has not acted at all." Now, having laid bare his true self, he means once more to act. Such is the declaration implied in this singular apology.

His enemies noted the signal and reported to those

[1] Roederer, Works, IV., 205, *Zeitschrift für Geschichtswissenschaft*, 1890 (article on Oelsner by Professor Stern). Oelsner was a Silesian and a diplomatist of the imperial city of Frankfort.

whom it concerned. From Bern Mallet du Pan warned the Austrian Government: "Sieyès is the most dangerous man whom the Revolution has produced; from the first he grasped completely its theoretical side without foreseeing its horrible accompaniments. . . . He has never for a moment lost sight of the overthrow of the throne, the church, the Catholic religion, and the noblesse." Though a coward and a misanthrope, he can move men. "A foe to all authority of which he is not the spiritual director, he destroyed the noblesse because he was not a nobleman . . . and he would overturn all thrones because nature has not made him a king."[1] It is a penetrating hostile judgment. In Paris an attack was made in a different tone by a reactionary journalist, named Richer Serisy. He headed it with an apt mis-quotation of the prophet Isaiah: "I am the first and I am the last, and beside me there is no God." Serisy professed himself unable to believe that the Notice, that "écrit informe et nauséabonde," was really Sieyès' work. Could he look his fellows in the face as he thought on what had been done in the name of his Rights of Man? If so, he was beyond all feeling. "Trusting in your love for all humanity, you seem to count yourself under no obligation to be humane, you lover of the harmony of the Universe and of the Great Whole. Having robbed us of a world to come, you philosophers would make this world wretched that your theories may have free play. But beware! Abandon your hateful pretensions. Fall from your pedestal, Sieyès! Contemptible idol, return to the dust. . . . then I will consent to reproach you no more with the innocent blood that has been shed."[2]

Merlin of Thionville, a leader among the central republicans with whom Sieyès was associating himself, replied to Serisy in the *Moniteur* of March 2nd. Three days later the Convention replied by putting "the idol" into a vacancy on the Committee of Public Safety. The

[1] Mallet, *Correspondance avec la cour d'Autriche*, p. 127.
[2] *L'Accusateur Public*, No. 4.

committee was now renewed from month to month; but re-election was possible, and Sieyès sat for seven out of the eight months from March to November. He became exceedingly influential both in domestic and foreign affairs. Men forgot his failures; they remembered his old fame. Those with whom he had worked and fought in what was now the glorious distance of 1789 were scattered. Many were dead, many had despaired of the Revolution and passed over to the enemy. He seemed to embody the old spirit, and he was acceptable to the present majority in the Convention. Their leaders were regicides, and so was he. They sympathised with the remnants of the Gironde, whose cautious friend he had been, whose advocate he now became. Like him they hated the rule of Paris and recalled with angry shame their past subservience. His faith in the revolutionary ideas, and the destinies of the nation from whose head they had sprung, fitted him for leadership among men who, since the armies of France had won their mighty victories, had been dreaming that she might become an honoured mother of Republics throughout the West. As a member of the supreme governing committte in the victorious Republic, he controlled for the first time international forces. The artist in human affairs had half Europe for his canvas. And so absorbing did he find the great design, so naturally self-important did his commission make him, that one notes traits of the man of high estate who stoops to handle parish matters in his attitude towards even the constitutional legislation of 1795.[1]

No sooner had he entered the committee than he followed up the attack on the Terrorists. Already in December those who had been expelled from the Convention for protesting against the doings of May 31st and June 2nd, 1793, had been recalled. Now—on March 8th—Sieyès demanded that the survivors of the Gironde

[1] His foreign policy is treated separately in Ch. VI.

itself, outlawed for their share in the civil war, should be reinstated. His speech was powerful, but distinctly inferior to his earlier speeches. He was experimenting in the declamatory style, and there is a strain of ordinary exaggeration, a heaping up of strong commonplace words, quite unlike his old manner.[1] But it did its work: Isnard, Louvet, Lanjuinais and others were recalled and greeted with applause. Each group of recalled proscripts strengthened the anti-Terrorist party, and drove into opposition a few of those Jacobins who had helped to pull down Robespierre. Some of the proscripts were royalists at heart, and gradually the true royalist party revived. It was small, but it was unscrupulous and alert; and it made the most of popular discontent. Discontent was increasing: food was short in Paris, and again hunger led to sedition. Petitioners clamoured at the bar of the House for bread and the Constitution of 1793, while stormy meetings were held in the sections. There was some co-operation between the deputies of the extreme Left and the patriots of the street; but for a time the measures already taken to disorganise the clubs and the insurrection-making machinery of Paris were successful. But the deputies of the Centre who filled the governing committees did not yet feel safe, and on March 21st Sieyès, as their spokesman, presented a draft coercion law for dealing with Jacobins and royalists. His argument was old, stale, and half true: that conspirators were abroad, who desired anarchy either out of mere lust for blood or to make France turn again wearily to her kings. The Convention alone kept back the flood of anarchy, and it was threatened by men "infected with crime, loaded with vice, whose native element is disorder"; "all this filthy mass of brigands and assassins that the storms of a revolution have thrown up." As he spoke his audience may have heard the noise of the crowd from the faubourgs, that was scuffling with the gilded youth in

[1] *Moniteur*, March 10th, and in pamphlet form.

the gardens of the Tuileries and in the Place du Carrousel.

There were few gaps in his law. No beginning of political crime—a seditious cry against the Convention, an insult to a member—was to go unpunished. A man who offered violence to the Convention was *ipso facto* an outlaw. In times of threatened disturbance every good citizen was to join the parliamentary guard, when the tocsin sounded. If dispersed by any evil chance, the legislators would re-assemble "at Châlons-sur-Marne or elsewhere"; from every army a column would be detached to avenge them; and "in this passing crisis the French people would remain calm and tranquil." The penalties were death for the greater, transportation or two years in irons for the lesser offences. Notwithstanding the protests of the remaining Montagnards and a brief invasion of the mob, the law was voted before the Convention rose at ten o'clock on the night of the 21st.[1]

Eight months had passed since Thermidor, and yet the Constitution of 1793, for which the mob called, was neither applied nor superseded. The armies in the field had met with almost continuous success, so that there was no military justification for revolutionary government. Those in power disliked the 1793 model, but moved with caution, sounding the temper of the Assembly and of the country at each step. During a troubled debate on March 24th, Sieyès, pressed to speak his mind on the Constitution, gave a chill approval of the scheme that had been accepted by the people and was on that account "respectable and could not be attacked. (Murmurs from the left.) That is my opinion, and I beg you not to interrupt. We no longer live in the days when men were dubbed royalists who were more republican than their slanderers. (Applause.)"[2] On the 30th, Merlin of Douai proposed that a legislature should be elected as the Constitution prescribed, but his motion was thrown out,

[1] *Moniteur*, March 25th, and pamphlets.
[2] *Ibid.*, March 25th.

and it was decided that a commission of seven should inquire into the "organic laws" necessary to complete the constitutional structure. In fact the system of 1793 could not be used without some amplification and adjustment.

On April 1st Paris replied to this vote, and for hours the Convention listened to the roar for bread and the Constitution. The mob nearly had its way. During the commotion a weary and disheartened deputy went out into the Tuileries gardens to rest. There he met Sieyès, and the two "gave themselves up to the most melancholy reflections."[1] No wonder: the "filthy mass of brigands" was very near, and Sieyès had committed himself. But the Convention won in the end, and no doubt he gladly gave his vote for what followed; the transportation of Barère and his three colleagues, the arrest of other leading Jacobins, the proclamation of martial law in Paris, with General Pichegru in command, and the deputies Barras and Merlin of Thionville as his lieutenants. This unsuccessful *journée* further discredited the Jacobin Constitution, but still its opponents feared to touch it openly. The commission of seven was chosen on the 3rd, Sieyès and Cambacérès being its leading members. Cambacérès read a timid and inconclusive report on the 18th, sketching a possible Constitution, but saying nothing about that of 1793; and then he begged in the name of his colleague that the responsibility should be spread over a larger body. He and Sieyès feared the anger of the Faubourg St. Antoine, their foes said. The larger commission, of eleven, was elected on the 23rd, and again Sieyès was chosen. A few days earlier he had been summoned to preside in the Convention. Not wishful to take up the thankless constitutional burden, and fully occupied with diplomatic work, he tried to evade these fresh tasks. But although he pleaded bad health and bad eyesight, he had to take the President's chair. For-

[1] Thibaudeau, *Memoirs*, I., 152.

tunately for him a decree was passed in the first week of May, perhaps at his own suggestion, under which no one might serve at the same time on the Eleven and the Committee of Public Safety. With Cambacérès and Merlin of Douai he at once chose the Committee. Within a few days he left Paris, accompanied by Reubell, to conclude negotiations for a treaty with the Dutch.[1]

Returning on May 22nd or 23rd, he found the Convention badly in need of any prestige that a successful mission might bring. For three days it had fought with the mob; a deputy had been murdered in the House itself; and to get rid of the invaders a promise had been given that organic laws for the Constitution of 1793 should be drafted forthwith. That was on the 21st. Later the Faubourg St. Antoine, threatened by the troops and guns that had been hurried up under General Menou, gave in and handed over its own cannon. "Nothing like it has been seen hitherto in the Revolution," Sieyès wrote to his colleague at the Hague,[2] as he prepared to join in the punishment of the conquered. When it proved that this was a final defeat for the memory of 1793, the Commission of Eleven started to make a new Constitution. They wished to secure Sieyès' advice; because as Thibaudeau, one of their number, wrote, "he was reckoned the first of political architects."[3] His old collaborator Daunou, who was working at the scheme, was most anxious to extract his opinion. It is said that Sieyès was outrageously rude to him, told him that the Eleven were incapable of grasping his ideas, and sent him away.[4] So for a time they ceased to entreat. Boissy d'Anglas read their project on June 23rd and debate began on July 4th. As it happened the lot had just deprived Sieyès

[1] For these events see *Moniteur*, April—May; Thibaudeau, *Memoirs;* La Revellière Lépeaux, *Memoirs*, I., 228; Aulard, *La Constitution de l'an*, III., in *La Révolution Française*, January, 1900. Vialles, *L'Archichancelier Cambacérès*, I., 167.

[2] Quoted in Neton's *Sieyès*, p. 251.

[3] *Memoirs*, I., 177.

[4] *La Revellière*, I., pp. 230, 239. La Revellière hated Sieyès.

of his place on the Committee of Public Safety, and he had a month free for constitution-making. Soon the Commission learnt that he had put in writing criticisms of their scheme. Once more he was begged to favour them. When he consented, they found that it was no case of common criticism, but of an alternative Constitution. Therefore they let him expound his views to the House before taking further action.[1]

Sieyès can hardly have hoped to carry the Assembly by a single speech and the prestige of his name. Probably he felt that the time was not ripe, but that he might with profit begin to educate his colleagues and France. Never was he more uncompromising and more difficult than when he rose, on July 20th, to read a lecture in politics to the Commission that he had declined to join.[2] The plan before the House contained a two-chamber Parliament sitting permanently. All representatives were to be chosen in exactly the same way. Once elected, seniority and the lot were to do the work of separation into Upper and Lower chambers. The Upper had no right to initiate law, but it had a right to suggest alterations in bills and it possessed a modified veto. Supreme executive power lay with a Directory of five chosen by the two Houses jointly. Both Directory and Parliament were to be partially renewed every year.

It was unfortunate, most unfortunate, Sieyès began, that Constitutions seemed always to be made in a hurry. He could not understand why it should be so, but he recognised the need for despatch and would not have occupied the time of the House, had he not feared that the plan before them lacked solidity. He proposed to deal only with the Constitution proper—the law-making machinery and the central executive machinery. In matters of government, he argued, "unity by itself means despotism, division by

[1] La Revellière says he came forward in the House without consulting the Commission. But this is not the case. For a full discussion see Stern, Sieyès et la Constitution de 1795; *La Révolution Française*, October, 1899.

[2] *Moniteur*, July 25th, and separate pamphlet.

itself means anarchy; division with unity gives the social guarantee without which all liberty is but precarious." "Political action in the representative system is divided into two great kinds, ascending and descending action. The first includes all those acts by which the people nominates directly or indirectly its various representatives. . . . The second includes all the acts by which these various representatives contribute to the formation or service of the law." After these preliminary definitions and postulates, and some denunciation of unsystematic constitution-making, Sieyès went on to say that he knew "of but two systems of division of powers, the system of equilibrium and the system of co-operation," or in other words, "the system of counter-balance and that of organised unity." Both of course must rest on representation, outside of which "there is nothing but usurpation, superstition and folly"; a fact which he had tried to prove more than two years before, when he failed to obtain a hearing owing to the "crass ignorance of the so-called friends of the people of that time." He had wished to convince the nation "that it had everything to gain by organising, on the basis of representation, all those kinds of power that go to make up the public establishment, reserving to itself merely the right to depute yearly men of intelligence" to take the places of its various retiring representatives. Besides this, the people would have retained the power to draw up lists of eligible persons, "as he had proposed in 1789." But then, and still, a harmful error was prevalent; that the people should only delegate those of its vast powers which it could not itself exercise. It was absurd to talk of the unlimited powers of the people. Society itself has not unlimited power; it exists for the individual. The notion of an arbitrary sovereignty of the people is a relic of royalist superstition; "for once again the people's sovereignty is not unlimited."

The system proposed by the Commission suggests to Sieyès that of England, where all kinds of powers—"constituent, petitionary, executive and legislative"—are mixed

together and conferred on two chambers and a King, with the result that the King is, as Sieyès thinks, "the absolute master of the two chambers." "The famous opposition is nothing but a set of dismissed lackeys,[1] always busy intriguing and brawling against the set in service, in order that in their turn they may get the pickings of the establishment." A system of counter-balances only works when the balancing stops and one power or other predominates. France, therefore, must hold to the system of "co-operation, or of organised unity."

Sieyès' hearers, as might be supposed, found some of this exordium a little abstruse. Even his definite suggestions were made in a technical phraseology of his own, and in an order which, if logical, was not self-explanatory.[2] Brushing aside the vulgar bicameral system, he proposed to found, as it were in the centre of the Constitution, a legislature of nine deputies from each department. Some day he hoped that the three great divisions of productive workers—"urban, rural and educative"—would each appoint three, so as to make the deputation represent interests in the widest sense. The Assembly so formed was to have no initiative power whatever. It was to sit, like a great silent court, in judgment on bills put before it either by the "Tribunate" or the "Government." The former, a small representative assembly of some two hundred and fifty members, was specially charged to watch over and advocate the needs of the people as opposed to those of the state. (It was a sort of popular Lower House with restricted functions.) It could propose laws properly so called and temporary ordinances or votes dealing with the general policy of France. Over against it stood the "Government," a body of seven representatives of the people—how appointed we are not told—whose mission was to suggest laws, ordinances or votes, and criticise those proposed by the Tribunes from the point of view of the state and its corporate interests. Sieyès called it "a legislative

[1] "Une antichambre disgraciée."
[2] For clearness' sake I do not follow his order.

workshop," "a jury of proposition." Its members would debate like counsel with the Tribunes before the dumb lawmakers. So Government and Opposition would be permanently incorporated in separate institutions, and the actual lawmakers, no more able to struggle for power, would retain that security and impartiality for which men longed after the years of party strife. That was Sieyès' dream.

Law once declared, the "Government" was to watch, but not undertake, the execution. Sieyès would not call his "Government" the executive: that, he said, was an ill-chosen term, since in fact it is the citizens who execute the law. Moreover the Government was to think, not to act directly upon the citizens at all: "it was a false idea to have the citizens governed by the central authority in the state." There were to be responsible ministers with beneath them—as it would seem—local agents, either elected, as were the departmental directories in 1789, or taken by the ministers from lists of eligibility. But all this is only roughly blocked out by Sieyès. The relation between "Government" and executive that he desired would be approximately secured to-day in England by making the permanent under-secretaries of State responsible and the Cabinet exclusively a "legislative workshop." For a complete parallel, the Cabinet would have to be chosen by the people, and have speaking powers but no votes in Parliament.

There was yet another part of this "organised unity," and that the part on which Sieyès most insisted—the Constitutional Jury. It came first in his own explanation, and he regarded the need for it as so self-evident that he recommended it in but few words. This body of some one hundred or one hundred and twenty representatives was the regulator of the whole machine. It had the guard of the Constitution; it kept a sleepless eye on each part, and it was strong enough to check the smallest transgression.

At the close of his speech Sieyès offered to explain all at length, should the Convention adopt his ground plan.

The Commission was not prepared to burn the whole result of two months' work, but after an interview with its critic invited him to expound the Constitutional Jury again, as that was the part of his plan that it was most disposed to accept. He complied with rather an ill grace on August 5th. Again he was sparing of argument, considering the novelty of his proposal. His Jury he treated as an obvious result of the distinction between constitutional and common law. Constitutional law needed sanctions like any other, for "a law whose execution depends merely on good will is like a house whose rafters rest on the shoulders of those who live in it." So the Jury was to serve, in the first place, as a court of constitutional appeal. If any power in the state, from the highest of all to a primary assembly, not excluding the Supreme Court of Justice, transgressed its duties an indictment could be filed with the jury. Any person or group could denounce any power, the Upper House the Lower, a minority of a departmental council its majority, a private citizen the ministry of war. Here was business enough for the clerks of the Jury, one would think. The normal charge would be "excédence de pouvoirs." "I prefer," wrote Sieyès in a footnote of a type surely never before or since appended to a legislative proposal, "I prefer to use this term rather than 'excession de pouvoirs.' We have already too many words with the dull termination in -ion; their too frequent recurrence wearies the ear." He had always been interested in language reform, like Condillac before him.[1]

The Jury's second function was that of "a workshop for constitutional amendments." Sieyès expressly renounced the method of amendment by Conventions meeting at fixed intervals, as certain to lead to superfluous change. He had in view a shorter interval than that of a generation which he had suggested tentatively in 1789.[2]

[1] The note is in the pamphlet reprint; perhaps it was an aside in the speech. See Sainte Beuve and Condillac's *Essai sur l'origine des connaissances humaines*, Part 2.

[2] Above, p. 76.

Proposals of every kind were to be weighed by the Jury. Once in ten years it would communicate to the people through the legislature such amendments as it thought good; the people would vote simply Aye or No. A negative vote would stop further proceedings. An affirmative vote would send the proposals to the Council of Ancients —the Upper House recommended by the Commission—, which then became a Constituent Assembly and accepted or rejected the tabled amendments *en bloc*. Thus the Jury's proposals could not be altered, though they could be rejected in two distinct ways.

Finally, the Jury was to act as a kind of Equity Court. For this work a tenth of its members would be set apart by lot every year. Highly exceptional cases, or cases dealt with in no codified law, would be referred to them. To them also was entrusted the right of pardon, a right whose abolition Sieyès greatly regretted. He said, truly enough, that its abolition was due to mistaken association with royal prerogative. In short, the jury would be "a Tribunal of the Rights of Man." "That is the true name for this moral and political engine that I beg you to create." To avoid abuse of its judicial powers, it could only give decisions on appeal, just as it could only declare actions unconstitutional after denunciation.

Once created, the Jury would renew itself by co-opting yearly thirty-six legislators whose period of service in Parliament had expired. A seat on it would thus be the aim and haven of politicians, and itself the source and perpetuator of "that moral harmony which ought to unite all the parts of the legislative circle."

The whole scheme of 1795 is a mere outline, of which only the part dealing with the Jury was ever filled in. The legislative suggestions show very obvious marks of Sieyès experience since 1789, and are founded to a far greater extent on expediency than their form might suggest. He had listened to such floods of unseasonable parliamentary talk, and had seen so many struggles for power masked by a solicitude for reform in the details

of the law, that he suggested a body of lawmakers who might not talk and could not govern. There was to be no possibility of a revival of the system of administration by parliamentary committee, which had grown to meet emergencies. Yet he did not wish to repeat the mistake made in 1791, of excluding those who supervised the administration of the law from all power of initiating legal change. Hence his "Government" of persons who were technically neither ministers nor legislators, yet had constitutional access to the lawmakers and watched over the ministers. He had also to guard against the danger of another Convention, created to make a Constitution and so omnipotent, extending its own powers and its own life indefinitely. Hence the brilliant device of the Constitutional Jury.[1] As to the working of these novel institutions innumerable questions occur, which could only be answered if Sieyès had drawn up explanatory "organic laws." If the legislature rejects a law, or part of a law, does it "motive" its rejection for the guidance of Government and Tribunate in drafting alternatives? If so, is not prolonged debate inevitable? And will not it really secure initiative by way of such debate? If it—the largest of all the constituent bodies of "Parliament"—is absolutely dumb, how long will "those seven hundred and fifty pretty idle fellows"[2] remain content? In any case, would not the business of legislation prove interminably long? Government suggests; Tribunate debates on its own account; Government and Tribunate debate before the "idle fellows." They reject some part of the scheme. The contending powers each come forward with an alternative. And so on. But in framing such questions it should at least be remembered that Sieyès probably contemplated legislation, not after the English type, with its exhaustive detail, but of what has become the French type; that is, the enunciation of principles whose applica-

[1] See below, p. 265.

[2] From a pamphlet by Faure, a Norman deputy, *Au réprésentant Sieyès sur un projet de constitution.*

tion is left to the administrator. Also by 1795 he was probably anxious for abundant deliberation.

However the plan was to have been applied, it is certain that his desire for harmony, and his morbid dread of encroaching powers, had led Sieyès to invent a body politic lacking in central will, and so in rapidity and precision of movement. Conceivably adaptable to a nation of long-settled government and law-abiding habits—which, for the rest, would not need it—, his plan had the negative but none of the positive qualities required towards the close of an era of civil discord. And it had in full measure the faults due to his habitual neglect of the existing and familiar. Even if he did not contemplate its immediate introduction, but was working for the future, these criticisms are only weakened, not satisfactorily met.

It can hardly be doubted that the great dumb legislative Assembly was borrowed from Harrington. In Oceana laws were proposed by the permanent elected Senate of three hundred knights, of whom a hundred retired every year, and "resolved" by the "People," "Prerogative Tribe," or Lower House of a thousand and fifty, also permanent and renewable by thirds. The relation between the Houses is made perfectly clear in one of the many summaries of his ideal that Harrington issued after the publication of Oceana, where he suggests "That the right of Debate, as also of proposing to the People, be wholly and only in the Senate," and "That the power of Result be wholly and only in the People, without any right at all of Debate."[1] He foresaw that the "People" would be "pretty idle fellows"—they would have been idler even than Sieyès' legislature, for there was no debating before them, only exposition—and he accordingly suggested that their spare time should be occupied with weekly lectures on Political Science,

[1] *Seven Models of a Commonwealth. Works*, pp. 524 sqq. See also the *Humble Petition of Divers well affected Persons* of 1659. *Works*, p. 541.

delivered either in the hall of Parliament or in some fair place under the open sky by a high dignitary of State.[1]

The plan for the Jury went back to the Commission of Eleven. The two members of that body who wrote memoirs both claim the credit of its rejection.[2] One of them—Thibaudeau—criticised it in the Assembly with great ability and effect, and the day after he made his speech it was rejected. A few days later—on August 22nd—the scheme of the Commission was approved, and in September the nation acquiesced. A fortnight before the final collapse Sieyès had returned to the Committee of Public Safety, where matters of the first importance were under discussion. He took no part whatever in these later debates. No doubt he was indignant, though he had been treated with all possible courtesy. It is certain that he always despised the Constitution of 1795; and it is possible that, as his enemies said, he was from the first watching, even working, for its overthrow. There were parts of it of which he would approve. Active and passive citizens reappeared. The small municipalities were to be suppressed. And the Houses of Parliament were at last to be renewed by thirds every year. But these seemed small triumphs to the man who had never ceased to preach the folly of patch-work institutions.

Sieyès served on the Committee of Public Safety until the Convention expired at the end of October. Early in that month came the last of its struggles with armed Paris, the 13th of Vendémiaire, when the Government forces, led by Barras and Bonaparte, beat off the attacks of the discontented "sections." The main cause of the rising was that notorious "law of the two-thirds," by which the expiring Convention secured places for a majority of its own members in the two Houses of the coming Parliament. (A single enemy,[3] and he at a

[1] *Oceana*, p. 157 of the *Works*.
[2] Thibaudeau, I., 179, La Revellière, I., 244.
[3] Mallet, *Correspondance avec . . . Vienne*, I., 249.

distance, calls Sieyès the unacknowledged father of the law. It is very possible, for he made a corresponding suggestion four years later.) The tragedy of the Dauphin's death had stirred royalist emotion, and the reaction from Jacobin democracy that marked the new Constitution had raised royalist hopes. Now the law of the two-thirds disgusted much moderate opinion that was weary of the old gang, and the disgust was completed when the Convention strengthened its military resources, on the eve of the struggle, by enrolling a Patriots' Battalion of Terrorists in the prisons and faubourgs. Though there were royalist leaders, the disgusted men of no party filled the ranks of the insurgents. The rising was not a fight for the throne; but its success would have cleared the ground for the King's friends. On Vendémiaire 13th itself, the direction of the defence was supposed to be in the hands of the joint Committees of Public Safety and General Security, but in fact the soldiers took the lead. If Napoleon is to be believed, Sieyès alone kept his head and saw what was wanted. He tells how, when the rest were wasting time in talk, the Abbé led him aside to a window and said, "Committees are useless for the direction of troops, for they do not know the value of time and opportunity; go and take counsel with your own genius . . . you are the only hope of the Republic." So he went and served the Republic with his guns. What a subordinate officer was doing at the Committee we are not told. Napoleon was always more than ordinarily fantastic when speaking of Vendémiaire; but the advice suggests Sieyès who, despite a streak of timidity, was cool in moments of crisis, and the tale may have a foundation in truth.[1]

Three weeks later, on October 26th, the new councils met. There were five hundred from the Convention and two hundred and fifty recruits. From married men or

[1] It is in Gurgaud, *Mémoires pour servir a l'histoire de France sous Napoléon*, pp. 59—60. For criticism of Napoleon's fairy stories about Vendémiaire, Zivy, *Le 13 vendémiaire;* Sciout, *Le Directoire*, I., 355; Fournier, *Napoleon I.* (English translation), I., 71.

widowers of forty years old and upwards the lot picked an Upper House, the Council of Ancients. Sieyès was therefore left in the Lower Council, of the Five Hundred. For the election of Directors the Five Hundred drew up a list of fifty names, from which the Ancients were to choose five. Sieyès had a prominent place among the fifty. A regicide caucus had decided that all Directors should be regicides, and care had been taken to put only six well-known names on the list. It was confidently expected in Paris that Sieyès would be the first Director chosen; rumour said that he would direct the whole policy of the new Government.[1] He was chosen, not first, but bracketed fourth with Barras; being chosen, he declined to serve and Carnot took his place. It was not for the good of the country, he said, that a man like himself, who "since the beginning of the Revolution had been exposed to the attacks of all parties," should fill the post. That was the official excuse, but not the reason. In seeking the reason of this and many like acts, his really delicate health must not be overlooked, if justice is to be done. About this time he said that "he believed he was a good enough hack for light work, but he would make a bad coach horse."[2] Moreover, he set a high price on absolute liberty to act or speak or keep silence as he saw fit. Also he disliked some of the Directors—especially Reubell and La Revellière—and probably felt that he could not work with them. There remains his contempt for the new Constitution: he believed that it would break down, and at present he had no wish to identify himself with it. So he took his seat as a simple member of the Five Hundred, while the world assigned to him motives after its kind.[3]

[1] B. Constant, *Journal et Lettres*, Letter of October 29th, 1795.

[2] *Correspondance diplomatique du Baron de Stael-Holstein*, p. 278.

[3] For the election, Debidour. *Recueil des actes du Directoire Exécutive*, I., 2, 3, and the *Moniteur*, November 6th. Barras, *Memoirs*, III., 343, says he refused because he hated Reubell. Mallet, *Correspondance avec . . . Vienne*, I., 361, because he liked "to do evil as Providence does good, without being perceived."

## CHAPTER VI.

### THE FOREIGN POLICY OF SIEYÈS AND THE MISSION TO BERLIN.

In the beginning of the Snowy Month of the Third Year, or the last week of December, 1794, while somewhere in Switzerland compositors were working at the proofs of the *Notice sur la Vie de Sieyès*, General Pichegru began his march to Amsterdam and the Helder. Behind him other armies of the Republic held the Rhine up to Spires and the Alpine watershed from the Lake of Geneva to the Mediterranean: here and there they were across the Rhine and they were encamped on the southern slopes of the Pyrenees. France needed peace, and something more than a mere peace seemed within sight. Holland would certainly treat. Prussia had already drawn out of the war. She had no desire to ruin France, and she wanted friends. Austria and Russia were preparing to make an end of Poland and she must be in at the death. Provided compensation could be secured there or elsewhere, her ministers might consent to recognise the Republic and even sacrifice to it her lands over the Rhine in Cleves and Guelders. They drifted into negotiation and from negotiation into peace, but their course was uncertain and the progress of settlement slow.

In January, 1795, Barthélemy, a diplomatist of the old school, went to Bâle to meet the Prussian envoys. Negotiations with the Dutch were conducted at Paris and the Hague, and in May Spain sent her agents to Bâle. Before they came Barthélemy had arranged and his government had ratified a treaty with Prussia. It was a preliminary to the general resettlement of Europe for which the French were working. France was to evacuate

Prussian territory on the right bank of the Rhine, but to retain all her conquests from German princes on the left, pending a final treaty with the Holy Roman Empire. It was secretly agreed that, if at last the Rhine became her frontier, she should help Prussia to get compensation for the losses about Cleves. Prussia would remain neutral henceforward, and France promised not to fight over any part of North Germany. Here was no real territorial settlement; the Prussians did not wish to concede the Rhine frontier, but they had nothing to lose by the continuance of the discussions between Barthélemy and Hardenberg, which followed the signature of this first treaty.

Everything now depended on the use made of the initial success won by the soldiers and the diplomatist. Foreign affairs still lay entirely in the hands of the Committee of Public Safety, although since Thermidor another body had been given control of the departments of Justice and the Interior. The frequent re-election of the same men allowed the Committee to maintain a consistent policy, a policy whose details were left to a subcommittee—the diplomatic section. Sieyès and another new member, the Alsatian lawyer Reubell, joined the diplomatic section shortly after their election to the main body in March. The treaty of Bâle was signed and confirmed (April 5th) before they had got well into the saddle. But from that time until October, with the assistance of Merlin of Douai, Boissy d'Anglas, Treilhard and Cambacérès—all of whom had supervised the negotiations at Bâle—they directed the foreign policy of France. Sieyès comes forward to play the old part on a greater stage, as ready to remodel Europe in accord with the interests of France and his own principles, as he had been to remodel France to fit his principles and the interests of the Tiers État. Again he had his system, and he headed a revolt against certain traditions which had guided almost all the diplomacy of the revolutionary leaders. The system is striking, comprehensive, impracticable as the dream of universal peace that Kant was

even then dreaming, original so far as is possible to a formula based on an ancient national ambition. Maybe Sieyès himself fancied that he had really found a new thing, and was not conscious of obligations to Mazarin or Richelieu or Sully, or that Frenchman of the fourteenth century who held that his people should rule the West, because "those begotten, born and reared in the kingdom of the Franks, and especially near Paris, are by nature much superior to those born in other lands both in refinement, courage, endurance and beauty": "they do not act without reflection or contrary to the dictates of reason." Sieyès developed his system in a great state paper laid before the Committee some time in April. He wished to start the government on the right way: in this document he was concerned more with ends than means, was acting, as he would have said, in his philosophic, not in his political capacity.[1]

The state paper is a project for a treaty of peace. Its keynote was sounded in a remark that he made to the Prussian agent in May—we want peace "but we must have a glorious peace and must at the same time give to Germany a fixed and stable system." The Rhine frontier, "the natural boundary of Gaul" which "for six centuries defended the falling Roman Empire against the Germans," was of course a postulate with a man like Sieyès. But the Rhine alone was insufficient. "A republic is always subject to dissensions, and nothing is more dangerous for it than a powerful neighbour"; therefore the right bank of the Rhine should be lined by weak principalities, not by any Prussian or Austrian territory. There is here an echo of that policy of friendship with the western States of Germany as a means of checking Austria, which goes back beyond

[1] There were other schemes, but none so wide or daring as that of Sieyès. I am relying here on a series of articles by Sorel on the diplomacy of the Committee of Public Safety in 1795 in *La Revue Historique* for 1880, 1881 and 1882. The results are embodied in Vol. IV. of his *L'Europe et la Rév. Franc.* His account of Sieyès' system is so full that I have not thought it necessary to consult the MSS. The fourteenth century writer is Pierre du Bois, author of the *De Recuperatione Terræ Sanctæ.*

the age of the Cardinals; but the application is Sieyès' own. For the present he proposed to retain the cumbrous Imperial Constitution: it was useful to France, and Germany could wait a little longer. It need not be very long; for, true to his old faith, he thought that the progress of reason might soon render his plan obsolete. But though the Empire was to remain, it must be made to yield a fund of territory for compensations and bribes, in connection with the Western readjustments. This was easily done "by simply sweeping away a heap of sand to which no one is attached"; and the heap was the ecclesiastical principalities. Prince-bishops, abbots and chapters could be pensioned off. Here again Sieyès was no inventor. Secularisation itself was an old story, and suggested secularisations often occur in those systems of revised political geography so dear to eighteenth century diplomatists. It remained for the man who made the departments to plan a complete scheme of secularisation, accompanied by a general territorial rearrangement, in a country over the greater part of which France had as yet no shadow of control.

Lay princes whose lands passed to the French were to receive full compensation, since Sieyès respected vested interests in property. Austria, in return for her Netherlands, would get a long-coveted strip of Bavaria and the Bishoprics of Salzburg, Passau and Regensburg, the greater part of that of Freising, and the lands of the Abbot of Berchtesgaden. The centre of gravity of Bavarian power was to move westward. In 1777 the Bavarian branch of the House of Wittelsbach had died out, and the branch that ruled in the Palatinate had succeeded. So the westward movement might be held to conform to "the nature of things." New Bavaria was to include much ancient Austrian territory on the right bank of the Rhine—Breisgau, the Vorarlberg, and other fragments—with masses of episcopal and abbey lands; also two of Prussia's most recent acquisitions, the principalities of Anspach and Baireuth. Its ruler lost a good deal of left-bank territory to France, and he was to abandon Berg, on the lower Rhine, to the House of

Zweibrücken, evicted by the French. In spite of these losses, the greatness of Bavaria in the nineteenth century may be traced directly to Sieyès' plan for making of her a solid fend-off between Austria and France; for Napoleon and Talleyrand constituted her very much as Sieyès had prescribed.

Prussia was to be pushed north-eastward just as Austria was moved south-eastward. Besides losing all outlying land in the south and across the Rhine, she was to give up the part of Cleves that lay on the right bank and Ostfriesland, her solitary North Sea province. Joined to the vast Bishopric of Münster, these lands formed a continuous State, into which the House of Mecklenburg was to be transplanted, to play in the north the part assigned to Bavaria in the south. Prussia would touch neither the Rhine nor the sea, and "Mecklenburg," if kept dependent on France, would be a useful ally against England. For her sacrifices Prussia must be well paid with North German Bishoprics, such as Hildesheim and Paderborn, with much ecclesiastical and lay land in the Westphalian district, and with both the Mecklenburg duchies. There were many other proposed readjustments in central and south-western Germany, the chief result of which would have been to strengthen the two Hesses and Würtemberg. They and "Mecklenburg" were to receive the electoral title which Bavaria already bore. Dignity as well as land was to be heaped upon this line of dependent powers, which might be expected to show a decent gratitude to their creator, until from grateful principalities they became daughter republics.[1]

An ideal this vast scheme must remain until France was mistress of the West. Before Sieyès turned from the Constitution to diplomacy, the philosophic revolutionary party had never possessed an ideal so complete, so fitted to their convictions, so gratifying to their patriotic pride. Up to this time the staple policy had been that which Dumouriez

[1] This change is not in the document, but it was in Sieyès' mind at the time.

and Narbonne borrowed from the diplomatic traditions of the monarchy: war with the Hapsburgs to the end and, if possible, an alliance with the Hohenzollerns. It was hoped that Barthélemy's treaty might ripen into such an alliance. To this Sieyès made no objection provided the Hohenzollerns got nothing out of it. Unlike some of his predecessors, he fully grasped the danger to France of a really strong Prussia. Nor did he wish to humble Austria overmuch, as his plan involved a perfect balance of the two great jealous German powers. He cared for neither and said so. "Those who have accused me of being a friend of Austria have lied," he once told the Prussian minister in Paris; "if they were to make me out a friend of the Prussians they would also lie; I am a Frenchman and nothing else."[1] He was ready to make terms with Austria in the early summer of 1795, and so were a small but active body of his supporters. But although many diplomatists fancied that Austria was treating secretly—a rumour which Prussia utilised to justify her defection at Bâle[2]—, in reality the court of Vienna, while conceding a few tentative conversations, did not give his party a tolerable opening. "The Emperor has never taken a step toward peace" wrote Sieyès' colleague Merlin of Douai, about a month before the Convention expired. And when Sieyès went out of office the general resettlement of Germany had not begun.

That he honestly desired continental peace there can be no reasonable doubt, but only a peace so glorious as to leave France proud of her Republic, safe from all risk of royalist reaction, and free to turn seaward against England. Therefore his influence made for war, since his arguments assumed a French domination which none but the crushed could accept. He classed whole governments and the pride of nations with his ancient enemy the French

[1] This was in December, 1795, Bailleu. *Preussen und Frankreich vom* 1795 *bis* 1807, p. 41.

[2] The Prussian case is in Sybel. *Gesch. der Revolutionszeit* (4th ed.), III., 419.

noblesse—parasitical things of no account. For nearly twenty years his plan prevailed in French diplomacy. The barrier of weak Rhenish States was set up in 1803, but the North German scheme was postponed. A few years later the barrier was strengthened, and France herself took charge of the North Sea shore as far as Hamburg. There is no need to call Napoleon and Talleyrand Sieyès' disciples: circumstances pointed towards some such policy; but it is worth remembering that Napoleon was on confidential terms with members of the Committee during the summer months of 1795, and that in 1798 Talleyrand said that he then shared his old colleague's views on Prussia.[1] The system fell with the man whose power alone was capable of giving it a trial, but there are traces of it on the map of Europe still.

Towards Holland the policy of the Committee and Sieyès was very simple.[2] Pichegru had turned out the Prince of Orange. In his place there was to be a dependent republic useful in the fight with England. A few days after Sieyès first joined the Committee, the Dutch envoy Blauw and Meyer came to Paris. He conducted the negotiations himself—the diplomatic section had accepted his plan of action—and the Dutchmen were bullied into compliance. Reduced to its simplest terms, his plan was to erect the new republic with all speed on French lines and extract from it the greatest possible contribution in men, money, and ships. Blauw and Meyer struggled for two months: when they hesitated they were threatened with force, and the unedifying contest came to the only possible end. Sieyès, acting as he believed in the interests of his country and the coming age which she alone could inaugurate, was perfectly ungenerous throughout. In May he went with Reubell to the Hague to get all the money he could for his bankrupt government. If Holland remained stubborn she was to be treated—treated openly

[1] Talleyrand to Sieyès, August 6th, 1798; Pallain, *Le ministère de Talleyrand sous le Directoire*, p. 354. And below, p. 212.

[2] See besides Sorel, Neton's *Sieyès*, p. 274 sqq.

that is—as conquered territory. At the official reception on May 12th, the Dutch spokesman emptied the vocabulary of compliment over the "redactor of the Declaration of the Rights of Man." Within a week those who could give orders to Pichegru had what they wanted, and Sieyès hurried to Paris. He reported on May 23rd to the Convention, fresh from its last struggle with the Jacobins, how "the admirable and energetic people of the United Provinces admired French bravery" and French liberty and the rest. We had some difficulties, he concluded, "but as soon as we understood one another all was settled; and that is what will always happen to men made for freedom: in short, both sides are entirely satisfied." A deplorable oration. The treaty was an offensive and defensive alliance. Holland was to make no separate peace with England. Twelve ships of the line, eighteen frigates and half her land forces were to be put at the disposal of France in case of need. France was to retain Dutch Flanders—a point which Sieyès had carried with difficulty—together with Venloo, Maastricht, and other Dutch outliers along the Meuse. French troops were to garrison Flushing, and under certain conditions, Bois-le-duc, Grave and Bergen-op-zoom. Holland would get some territorial compensation at the time of the general peace—Sieyès' peace—but she was to pay a war indemnity now. In the secret articles she had agreed to hand over seven ships at once on loan; to maintain 25,000 French troops; to allow ten million florins' worth of requisitions to be levied from her territory; to drive out all French emigrants and give their property to France. A more complete subjection would have been impossible. When Sieyès had finished reading the avowed articles, "cries of Vive la République were renewed again and again." The Republic was indeed learning how to live—on the goods of other republics.

During his speech[1] Sieyès had explained that the treaty

[1] *Moniteur*, May 28th.

was an important step towards control of the North Sea coast and the final humiliation of the English. The Scheldt was to be kept open for all nations and its commerce was to ruin the Thames. France guaranteed the Dutch colonies, but a paper guarantee did not save them from British cruisers. Pillaged at home and abroad, the Dutch never liked their new political system. A convention offered them a Constitution, but not till August, 1797, and then they refused it. Turned into the subjects of Louis Bonaparte, later annexed to France because their land was made of the washings of French rivers, they had a long discipline in the methods of international argument.

All through the spring the more cautious members of the Committee of Public Safety were realising that insistence on the Rhine frontier might ruin France. Barthélemy kept reporting Hardenberg's objections, with which he himself sympathised. In April, one of their agents in Holland told government plainly that it was ridiculous to talk of an indefinitely extended frontier, when they could not keep order in Paris.[1] So there grew up a party "of the old boundaries." While Sieyès and Reubell were away, the doubts and fears of this party were reflected in the correspondence with Barthélemy, and France began to abate her claims. With grief Sieyès reported the change to Reubell, who had stayed behind in Holland. Prepared as he was to abandon his hopes under compulsion, he believed that with a little care and firmness they might yet be turned into fact.

His return almost coincided with the arrival of news from Barthélemy of a second treaty with Hardenberg, dealing with the promised neutrality of North Germany. But that brought the general settlement little nearer. France would have been glad of access to the Emperor, both to hasten the settlement and exercise pressure at Berlin, but Austria remained shut. After the Dutch treaty and the victory of the Convention on May 20th,

[1] *La Revue Historique*, XVII., 267 (Sorel).

the policy of the natural boundaries revived, and Gervinus, the Prussian envoy sent to Paris to oppose it and prevent France from dealing independently with Austria, had to face its advocates. On May 29th he was received by Sieyès, Treilhard, and Merlin of Douai. Sieyès directed the discussion. "His character is very difficult," the Prussian wrote; "he is hard, peremptory, crafty, full of philosophic pride, and so much taken up with his own opinions that it is only with difficulty that he can tolerate the least contradiction." He was very plain spoken, however—"we must have peace on the continent to establish our Government, re-arrange our finances, and restore order at home; but we must have a glorious peace and must at the same time give to Germany a fixed and stable system, must give to some of her states more, to some less power, and only Prussia can help us to do it. . . . Without a detailed plan from you we shall never come to an understanding." That being so, Gervinus wisely concluded that France was not in a position to dictate terms. His court agreed, and instructed its representatives to work for a peace on the basis of the *status quo ante bellum*. In July the Imperial Diet concurred in this policy, and asked the Emperor to negotiate but to insist on the integrity of the Empire. For its own part the Austrian Government, backed by Russia and by Pitt who was handling the disastrous expedition to Quiberon Bay, meant to fight on. Not wishing to drive the smaller German States into the arms of Prussia, the nominal head of the Empire had to treat the resolutions of the Diet with courtesy. But as he meant to break France and then make peace, and, as Prussia—though ready for peace—meant to defend German interests as far as possible, Sieyès' scheme was no nearer success in August than in May.

The scheme had matured since his visit to the Hague, the first journey of his life outside French territory. Now he was thinking how he might add to the barrier between France and her greater neighbours a number of

dependent republics. He had hopes of Italy. For Germany he was planning, not as yet a Republic, but at least a new Constitution. In expounding and developing the great German design to Barthélemy, at the end of June, the Committee wrote of the coming time when "the rest of Germany, forming a new federation, with a more healthy and vigorous organisation than that which chance gave it in the Gothic ages . . . would hold the balance between Prussia and Austria." Returning to the Committee in August after a month's absence, Sieyès, Reubell, and Merlin of Douai clung to this constructive peace in spite of Barthélemy's manifest reluctance, and the difficulty of forcing Europe to accept.

At the end of July Barthélemy had signed the Spanish Treaty with Yriarte, the representative of Spain, at Bâle. His main instructions were sent in the middle of May while Sieyès was at the Hague. He had been ordered to demand much; the entry into an alliance against England and the cession of Guipuzcoa, Louisiana, and San Domingo. His government was especially eager to recover the wide fields of Louisiana—ceded to Spain in 1763—in order to shoot on to them the human rubbish of the Revolution, a possible fertiliser in America that was likely to breed disease if kept stored at home. If Spain did not come to terms in a month, the Committee proposed to illtreat the Basque provinces, already held by its troops. Threats accompanied the whole course of the negotiations. In June the French armies beyond the Pyrenees were again in motion. The completion of the slow murder of the Dauphin on June 10th—for which Sieyès with every other man in authority was in part responsible—helped Spain to accept an unwelcome treaty. Yriarte was instructed to offer San Domingo, and Barthélemy accepted at once, for, in consequence of changes in the military situation, the Committee had just agreed to a peace without territorial gains.

Towards the middle of August the French Ambassador reported that Spain was ready to add to this treaty of

peace the desired treaty of alliance. The conduct of this second negotiation fell to Sieyès. He felt sure that the alliance was "according to principle." "This truth would become every day more and more a commonplace of political geography. The only drawback to the old family compact that emerged from it was the name." Sieyès wanted a commercial treaty too, or at least a commercial convention. His drafts show how completely he meant to put Spain under the heel of France. French merchants or French subjects resident in the peninsula were to receive every conceivable commercial advantage: the latter were even to enjoy the consular privileges which as a rule are only claimed for those domiciled in semi-barbarous countries. The alliance was to be offensive and defensive. Spain was to furnish a fleet of twenty-five ships and an army of 24,000 men on demand, without any discussion of the *casus foederis:* she was to bear the whole expense of this assistance and make good all losses from wear and tear. In return France would help to protect her colonies, most of which were in no immediate danger. Sieyès' aim was to ruin England through political and commercial control of Spain. "This treaty," he wrote on August 27th, "if Portugal shortly accedes to it, may shut the ports of Europe from Gibraltar to the Texel against the common foe." His whole policy was of a piece. The projected Spanish alliance and the finished Dutch alliance fitted into their prescribed places in the great system that he was working out, a system almost incredibly arrogant in conception and execution.

For the comfort of the Spaniards they were to be told —in September—that it was all "based on the nature of human affections which are always anterior to all political combinations, and almost always independent of them in free countries." And Sieyès added in his best manner, "We own that this theory, since the destruction of the ancient republics, is as novel as that of liberty; but it is not less exact on that account." Spain had begun the

negotiation with some eagerness, fearing the wrath of England on a deserter from the European cause, but Sieyès' methods were not encouraging. Yriarte wanted to postpone the commercial business. Barthélemy, in reporting his objections, tried to let the Committee see that he himself agreed with them. The Committee would not see. Sieyès clung to his principles like a Boniface VIII. to a Bull of his own making; they were to him Canons and Fathers and Scripture: arguments based on them were valid, the results so obtained orthodox. Barthélemy protested as openly as he dared against the querulous and ill-considered instructions that he received from time to time, but did his best to secure from Spain the long list of concessions that the Republic demanded in return for things of no value. When the Convention lapsed, and with it Sieyès' direct influence on foreign policy, the whole affair was in suspense, in part it is true owing to Yriarte's mortal sickness. The treaty of alliance was not completed until October, 1796, and the Directory was wise enough not to press the commercial treaty.

The course of events in Germany from August to October was in every way unsatisfactory for the Committee. Its letters show hesitation and distress. Peace was needed: the Convention was dying in contempt: the reins of government hung loose, and Austria made no sign. Many German States sent envoys to Bâle, where Prussia was still parleying, but there was little to show at the last. Secret agents were ordered to Vienna to seek news and hint at terms, but Austria would not speak. Then the French columns passed the Upper and Lower Rhine, but Austria was not frightened. The first successes of Jourdan and Pichegru induced the Assembly to vote the annexation of Liège and the Austrian Netherlands, and thus implicitly to sanction the policy of natural boundaries. That was early in October. But Pichegru was not long successful, and he was meditating treason. The hands of Austria were freed by the settlement of the last partition of Poland at this very time: she had

arranged alliances with England and Russia: her armies moved up Europe again and crossed the Rhine: the Convention was dissolved and there was still no peace.

Sieyès' refusal to become a Director surprised and disappointed many of his colleagues. In both Houses attention was called to the matter and attempts were made to induce him to reconsider his decision. When these failed the Directory offered him the Ministry of Foreign Affairs.[1] This he naturally declined, for under the new Constitution the ministers—without seats in the House or any power of joint action—were simply secretaries. Also Reubell, the strong man of the Directory, was to supervise the Foreign Office and Sieyès did not love Reubell. Had Sieyès accepted, no doubt all his weight would have been thrown on the side of the policy of expansion and republicanisation that the new Government adopted, following the tradition of his party in the Committee. They continued to consult him to some extent, but as at least three out of the five Directors disliked him, resented his criticism and seldom saw him, his influence can hardly have been so great as was supposed outside France at the time.[2] Yet however little they loved one another, he and the leaders of the Directory were forced together from time to time by common antecedents and common fears. He knew that the Revolution was not over. He believed that a better constitutional formula was yet to be found. But each year more of his ideals came under the yoke of his necessities.

For a time he stood apart and again his career becomes obscure and the extent of his influence a matter of conjecture. In the Council of Five Hundred he seldom spoke, and what he said was usually of little interest. He undertook parliamentary duties now and again. In December, 1795, he was serving on a financial commission and trying

[1] La Revellière, I., 346. *Mém. sur Carnot*, II., 9.

[2] The three referred to are Reubell, Carnot and La Revellière. Barras and Sieyès had nothing in common, and Letourneur, the fifth Director, was unimportant. Mallet, *Correspondance* . . . I., 384 (December, 1795), talks as if he directed Reubell and Carnot, which is certainly untrue.

to bring some sort of order into the miserable chaos of paper money, peculation, and bankruptcy. He was not a financier, but he knew what was indispensable, and wanted a permanent committee of experts—a Treasury Board like his proposed Board of Education in 1793—to get at the facts and supply "figures, good arithmetical rules, results which are real and positive and not merely presumed."[1] Excellent advice to a government conspicuous for its financial incompetence and personal corruption, and rather fond of presumed figures.

At the same time Sieyès was sitting on a commission whose report led to further restrictions on the press in the spring of 1796. A little later—in May—he helped to draw up the opinion of the House on the treaty just concluded with Sardinia. But these commissions of parliament had nothing in common with the committees of the Convention. As the Constitution of 1795 did not allow permanent committees, their influence was confined and local.

Sieyès' real power was exercised without leaving many traces in clubs and salons and private intercourse. In 1796 he was by common consent one of the chief men in the Club de Noailles, an eclectic parliamentary society to which Barras and Carnot belonged. It was reputed to be the centre of all intrigues and to contain groups with whom the Directors constantly took counsel. This is as one would expect, for there must be unofficial relations between an executive government outside parliament and the parliamentary leaders.[2] Next year he is reported at the Club de Salm, otherwise called the Constitutional Circle, a meeting-place of central republicans and cultivated believers in the Revolution with a dash of the salon. Madame de Stael was to be found there and Benjamin Constant. There, too, Talleyrand limped about after his

[1] *Moniteur*, December, 1795.

[2] Mallet, *Correspondance*, II., 24. Barante, *Memoirs*, I., 379. A report sent to England through Lord Malmesbury in May, 1796, *Foreign Office*, *France*, 46.

exile and looked for a way into office.[1] These people were hardly a party, and Sieyès too was detached; but he was being driven by circumstances in the course of this year over to the side of the Directory, and he took his part in its shame.

In 1796 the conspiracy of Baboeuf had called up the spectre of the Red Terror. Baboeuf's crude socialism was founded on deductions from the constitutional formulas of 1793, and his allies were old Jacobins and Terrorists. There were men among the Directors who had no objection to Terror on principle, and both Barras and Reubell were suspected of some sort of underhand connection with Baboeuf. But they and their colleague La Revellière, who with them composed the governing majority of the Directory, had relied throughout on the support of the definitely revolutionary, but only to a small extent Terrorist, body of old Convention-men with whom Sieyès generally worked. This body, recalling 'ninety-four, insisted on strong defensive measures against "anarchy and royalism" alike. A story came to England, through secret channels, of a long memoir on the state of France drawn up by Sieyès in December for the leaders of the Houses, and then handed in to the Directory.[2] The source is tainted, but the manner suggests Sieyès; and in view of later events the tale may well be true. He is said to have dwelt on the ferocity and ingratitude of the mob. "It would go to see the authors of its freedom in iron cages with more pleasure than it felt when the last of its tyrants perished": it had no conviction: it was always on the side of the strongest. There was need then for strength among true republicans. To give time for the establishment of the true Republic, France must have peace; but she could only accept peace when her government was recognised and its ambassadors received by every court, the Bourbons shut for ever out of France, and the

[1] Sciout, *Le Directoire*, II., 572—573. Challamel, *Les clubs contre révolutionnaires*, p. 507. Sieyès' connection is not proved.

[2] The anonymous letter is dated only Dec., 1796. *Foreign Office, France*, 46.

emigrants proscribed. With such a peace domestic harmony could be secured, and France could recover breath to resume war "before the end of the century."

Following the Jacobin peril of 1796 came the so-called royalist peril of 1797. Elections, the first elections under the Directory, were due in the spring. They were to replace a retiring third of each House, so Sieyès should have been content. But those retiring were largely Convention-men, and the temper of the country was such that few of this rump were likely to return. The members elected in 'ninety-five were for the most part in opposition to the self-appointed regicides who dominated the Directory and the Houses. A new influx of men of the same stamp would put an end to the domination. Fearing this, those whose position and power were threatened called every critic a royalist. There were royalists abroad in 'ninety-seven no doubt; but the mass of the opposition hated not the Republic but the incompetence, corruption, and religious persecution of its official representatives. Yet as the real royalists had received from headquarters instructions to proceed by way of legitimate agitation, there was some little excuse for the confusion by the regicide party of constitutional opposition with hatred of the Revolution.

France did just as those in authority feared. The Directory and the Houses were desperately unpopular and barely a dozen old Convention-men were returned. Scattered about among the "new third" were even a few agents of the Bourbons and returned emigrants. Before they took their seats Paris was stirred by an attempt to assassinate Sieyès. An ex-priest named Poule made his way into his house early one morning in April and shot him. The wounds—in the right hand and side—were completely healed within six weeks. The criminal was a poor half-witted creature who went to borrow money from a fellow Provençal; being shown the door he avenged himself. Perhaps his ill-balanced brain held vague ideas of punishment due to the man who renounced the Church

that reared him; there was no evidence of premeditation or of plotters behind the assailant. But Sieyès' regicide colleagues believed and liked to believe in a plot. Royalist murders, matching the Jacobin murders for brutality, had been only too common in the South in 1795—6. It was not unnatural to link this assault with the electoral reaction in the provinces, speak of the coming of the counter-revolution, and label the opposition friends of murder. The Five Hundred sent sympathetic messages to the invalid: all the world went to call and for some days the plot was discussed in Parliament. One speaker said that Poule carried a list of republican leaders who were to be struck down in turn; another announced the arrest of a cutler at Rouen who was "furnished with knives shaped like poignards destined to pierce the hearts of patriots"; a deputy named Pons wrote to the papers that the general plot was a certain thing because, apart from the attack on Sieyès, an effigy of himself, Pons, had been hanged on the tree of liberty in his own constituency. But the acute alarm passed. Poule was sentenced to twenty years in chains: Sieyés was left with some scars and a fresh popularity. His coolness was noticeable, and the story went about Paris how immediately after the assault he had said "when that man comes back to ask for me, say that I have gone out."[1]

Before he resumed his seat in the Five Hundred, at the end of May, the "new third" had got to work. General Pichegru, a declared enemy of the Directory, who had corresponded with Bourbon agents was President in the Lower House. Barthélemy the ambassador, an ex-marquis, had been nominated by the Five Hundred and chosen by the Ancients to fill the vacancy in the Directory caused by the compulsory retirement of Letourneur. A hundred and

[1] See *Moniteur* for April, 1797. Most memoir writers mention the incident. See also J. Saint-Martin. *Un attentat contre Sieyès, La Rév. Franc.*, L., 221 (1906). I fancy this is the original of a better story told by Sainte Beuve of the aged Sieyès, how when almost senile he used to mutter "If Robespierre calls tell him I am not at home."

thirty-eight votes were cast for Barthélemy against seventy-five for Cochon, the candidate of the official gang. The new Director was for settled government, decency and toleration: his private inclination was probably towards constitutional monarchy. During the summer the Houses repealed some of the more outrageous laws still in force against emigrants[1] and priests: emigrants' relatives were relieved of police supervision and granted civil rights, communes that wanted a priest might have a priest who accepted the Republic—but only on very strict conditions. Attacks on the Directory increased in bitterness. Below all there went on just enough royalist plotting to give the government a pretext—though a poor one—for confounding constitutional opposition with treason. And the least criticism of the standard of republican intolerance and maladministration set up by Reubell, La Revellière, and Barras was treated as evidence of "reactionary tendencies," even when it came, as it had long come, from a Carnot.

Plot and counter-plot filled the summer. The handful of genuine royalist plotters were poor craftsmen and made no progress. They had no satisfactory footing among the new majority in the councils, who were not plotters at all. The businesslike conspirators were the "triumvirate"; Barras, "the rotten," ex-nobleman, ex-Terrorist, corrupt, loose-lived, fond of the good things of power, but not without force and the daring of a gambler in affairs of state; La Revellière, more of the Robespierre type, incorruptible, sober, industrious, fanatically anti-Christian, and a patron of the new sect of the Theophilanthropists who worshipped in deserted churches on the Décadi; Reubell the rough-tongued lawyer, a cynical and stubborn republican without other principle, narrow, determined and efficient. Probably Sieyès was in their plot, for he was one of the most influential supporters of their policy in the Five Hundred. The new majority seemed to him the embodiment of evil forces with which he had struggled

[1] The local lists of emigrants contained by this time multitudes of people who had never emigrated.

since 'eighty-nine.[1] In Bonaparte they had a still more useful ally, who encouraged their designs for his own ends and sent the brave and stupid Augereau, his second in command, to do that military duty which had become a recognised part of a political crisis at least since Vendémiaire. Lastly, they had the support not only of the regicide Convention-men, but of every Jacobin with a taste for violence.

All through the summer it was clear that a revolution was preparing, but the leaders of the opposition were helpless. They tried to compromise with the Directors through a reshuffling of ministerial portfolios, whose chief result was that Talleyrand slipped back into the Foreign Office as the nominee of the Councils and stayed there to serve the Directory and himself. On September 3rd (17 Fructidor) the triumvirate were ready to act. Early next morning the troops went to arrest their two colleagues and the opposition leaders. Carnot was to be disposed of because he would not work with the three and was sick of violence and bloodshed; but he escaped. Barthélemy, Pichegru and the rest were secured. Then the rump of the Councils met—not in the proper places,—declared the session permanent, and appointed a committee of five to insure "the public safety and the preservation of the Constitution of the Year Three." Sieyès was the chief man on the committee; its mouthpiece was Boulay of the Meurthe, a great admirer of his who had only joined the Five Hundred in the spring. There were soldiers about the Houses while the report was being turned into law, on the 5th, and it is likely enough that some of the clauses were dictated by the men of violence; but Sieyès associated himself with them absolutely and is credited with the invention of the means for rendering the blow just struck deadly.[2]

He tried to seize the opportunity for a little constitu-

[1] See a report of his opinions sent by Lavalette to Bonaparte in Bourrienne, *Memoirs*, I., 243. For the plots, besides the general histories, see Pierre, *Le* 18 *Fructidor*.

[2] Carnot, II., 197. Thibaudeau, II., 197. *Boulay de la Meurthe* (A life by his son), p. 33.

tional revision, but his colleagues and the triumvirate would not listen to him, and he had to content himself with perfecting the machinery of proscription. There was to be no guillotine—Boulay's speech exuded humanity—only a safe place overseas for all those whose "prejudices, whose claims, in short whose existence is incompatible with that of the republican Government." Cayenne was the place selected. The elections of a hundred and fifty-four representatives were declared null, and with them all the new administrative and judicial appointments in the forty-nine departments concerned. Barthélemy, Carnot, fifty-three members of the Councils and ten other persons were to be transported. By a second decree (of September 8th) the editors of no less than fifty-four journals were added to the list. All recent laws favourable to the emigrants or the clergy were repealed. No relations of such people were to have a vote until "four years after the peace"—Sieyès' distant peace no doubt—, nor might anyone enjoy the franchise who would not swear hatred of royalty and love of the current Constitution. All those whose names were on the official lists of emigrants were to leave the country or risk trial, judgment without appeal, and execution by courts-martial. Now so far as is known the lists contained the names of fifty to one hundred thousand persons then in France. Finally, priests might be transported at will by means of an administrative order like the old *lettre de cachet*.

A law so hateful, and more hypocritical than those of the Terror itself, could not be fully enforced. Yet though all is not known, what was done under it is brutal enough.[1] Of the sixty-five persons originally condemned only seventeen were landed at Cayenne, after being treated like negro slaves in France and on the sea. Eight of them, including Barthélemy and Pichegru, escaped to Demerara and so to England. Between October, 1797, and March,

[1] Details and documents are mainly in the works of M. Pierre. *Le 18 Fructidor. Le Terreur sous le Directoire. La déportation ecclésiastique sous le Directoire.*

1799, the military commissions shot at least a hundred and sixty persons in the provinces. Down to November, 1799, the central government had condemned over two thousand French priests to transportation, of whom four hundred and ninety-six were transported. Local bodies condemned many thousands more and about nine hundred of these bore their penalty. In Belgium eight thousand priests were sentenced at a blow in 1798, but most of them could not be caught. Only a few hundreds of the priests went to Cayenne, for the Channel and Bay were held by English fleets. The rest were kept on the Island of Rhé and elsewhere.

If Sieyès had been dictator the law of the 19 Fructidor would have been a mere beginning of vengeance. After the coup, the leaders in the Councils held weekly—or rather "decadal"—meetings with the Directors. At one of these—it was in Revellière's house—he actually proposed to drive out of France all remaining noble families and former servants of the King, by one great act of "ostracism." "Those who are not of my species are not my fellow men," he is reported to have said: "a noble is not of my species; he is a wolf and I shoot." To his disgust the suggestion was not well received. Some days later he induced Boulay to raise the question in the Five Hundred. In his first report Boulay had made use of his master's old argument of 'eighty-nine, that if the nobility was, as it claimed, descended from the Frankish conquerors of Gaul, it was no part of the nation. Now he developed the point, but the Five Hundred was not prepared for a root and branch policy. The proposal was sent to a committee on which both master and mouthpiece sat, but in the end the nobles suffered only a further curtailment of political rights. So the practical demonstration of the Abbé's early teaching that the noblesse was a fungoid growth on the body politic was never given. Had he waited eight years to give it? An enemy would say so and a friend could not clear him. He never showed a trace of sympathy for the sufferings of the hated class; he spoke of it invariably with abhorrence and contempt. He

had always believed that until "feudal superstition" was rooted out the new age could not begin. But it is most probable that he had only slipped down to this final position by degrees, and that it was fear which drove the man who had once risked much in defence of the rights of property to propose an act of oriental indifference to the rights of persons.[1]

The stages in his decline can best be traced in his dealings with the clergy. In 1791 he had honourably defended liberty of conscience. In 1794 he attacked persecution bitterly, but allowed that there was a case for persecuting those who "had shown themselves enemies of the Revolution."[2] No one who believes in any law of treason can condemn him. That was after he had renounced his orders. Three years later, his fear having crusted over his conscience, he became the advocate of a law under which men were transported for upholding Christian marriage, preferring Sunday to the Décadi, or for even less definite offences. Whether his fear was of the triumvirate or of a King does not affect the moral issue.

He did not help to beat down royalists and moderates through any love of the Directory: that he despised; or of the Directors: them he hated. At the first safe opportunity he resumed relations with the opposition groups. Within a few weeks of Fructidor reports come from two distinct quarters of intrigues with the Extreme Left in the Councils against the Directors.[3] The memoirs of Barras—full of lies as they are—can be trusted as evidence of their suspicions. Before the year was over those suspicions had increased. Bonaparte had reached Paris, and Sieyès, who, as President of the Five Hundred for Frimaire, had been conducting a kind of negotiation between the Jacobin opposition and the Government,[4] seemed to be making overtures to him.

[1] Revellière, I., 431. Barras, III., 58. Thibaudeau, II., 318. Pasquier, I., 131.
[2] In the *Notice sur la Vie.*
[3] Sandoz Rollin the Prussian ambassador on November 23rd, Bailleu. *Preussen und Frankreich*, p. 159. Barras, III., 100.
[4] Bailleu, p. 160.

Bonaparte, "the real victor on the 18 Fructidor,"[1] the man who was "no longer able to obey," brought to Paris the Treaty of Campo Formio. At the end of his amazing Italian campaign he had kicked down the Republic of Venice and given its land as a sop to Austria. France, partaking of his glory, began to forget the grapeshot of Vendémiaire. But his self-willed and treacherous diplomacy pleased neither the government nor Sieyès. Sieyès called the cession of Venice "a political atrocity," the treaty "not a peace but a call to another war."[2] Yet the treaty was accepted both by the Directors and the Council of Ancients, as the Constitution required. By it France gained much, and she hoped to gain more in the Congress just opened at Rastadt to discuss that general peace between the Republic and the Empire which had at last become possible. And the maker of the treaty was welcomed with every show of splendour and flattery. By his studied simplicity of manner he imposed even on trained observers of men; the Prussian ambassador thought that there was not the least reason to anticipate from him a stroke for supreme power; "his weak health—his love of letters and philosophy and his need of rest" all told against any such expectation.[3] But the Directors knew what to expect from the man who at his first official reception, on December 10th, had told the world that the French Constitution needed improvement, and though they invited him to their meetings and took his advice in foreign politics they were seeking how they might neutralise his influence. The possibility of an alliance between the general of twenty-nine, who thought the age limit for Directors ridiculous, and the man of ideas, who considered the whole Constitution defective, made them peculiarly uneasy.

The two men had known one another since 1795, and hitherto Bonaparte had respected Sieyès' daring concep-

[1] Fournier, Napoleon I. (Eng. Trans.), I., 123.
[2] Bailleu, p. 157.
[3] Bailleu, p. 167.

tions and political sagacity. During the summer of 1797 the work of organising a daughter republic on the Lombard plains was in hand. Talleyrand, just arrived at the Foreign Office, suggested in August that Sieyès would be a fit person to "constitute" this Cisalpine Republic; a suggestion no doubt made with Sieyès privity. When it was communicated to Bonaparte he cordially agreed. He sketched a Constitution for Talleyrand's private use. Decently veiling awkward parts, he indicated a certain vague likeness between his ideal of constitutional beauty and Sieyès design of 1795. He deplored the slow progress of "moral political science": this for Sieyès who was to see the letter. He assured Talleyrand that the Abbé was a man "whose talents he esteemed and for whom he had a very special friendship." And in conclusion he wrote "not only do I reply to you confidentially that I wish Sieyès to visit Italy, but I think—and that most officially—that if we do not give Genoa and the Cisalpine Republic a suitable Constitution, France will get no advantage out of them."[1] Nothing came of the suggestion. Napoleon, hurrying on to greater things, stayed only two months in Italy after writing the letter, and on the other side either Sieyès or the Directory decided that the mission should not take place. Perhaps the treaty of Campo Formio, which so much offended Sieyès, may have had some connection with the failure.

But when Napoleon came in triumph to Paris Sieyès put aside his annoyance and showed a most uncommon friendliness. As President of the Five Hundred he received an official call. The call led to dinners and the dinners to free discussion of the state of the country. At one of these meetings Napoleon fell to boasting. "I have made the great nation," he said. "Yes—because we had first made the nation in the Constituent Assembly," retorted Sieyès.[2] There is no reason to suppose that

[1] Napoleon, *Correspondence*, III. 313. Fournier (Napoleon I. 138) treats the letter as simply an exposition of Napoleon's own ideas. It may be; but it seems to me to show a knowledge of Sieyès' ideas also.
[2] Roederer, *Works*, III., 327.

any definite political alliance resulted from the polite interviews, but everyone noted the apparent cordiality of the "hard and inflexible Sieyès."[1] When Napoleon left Paris a few months later for the East he said to his brother Joseph—"If France needs me, if the number of those who think with Talleyrand, Sieyès, and Roederer increases, if war breaks out and proves adverse to France, I shall return."[2] He evidently anticipated easy co-operation with his old acquaintance and recent host.

Had the times been favourable Napoleon would probably have risked a coup that winter. But having failed in an obscure intrigue to get rid of the law which kept him out of the Directory, he decided that he must refresh his fame with action and go to the East where great fames are born. That plan for a French Egypt, which Leibnitz once commended to Louis XIV., had for some time occupied his imagination and Talleyrand's. At first he had not meant to be himself the agent, but the plan was now revised and the conquering expedition made more splendid than he had originally designed. The Directors readily acquiesced and in May the general left Paris. He had found government unusually stubborn of late and had failed to impress the stiff-necked Reubell even by his well-staged outbursts of temper. In August the battle of the Nile shut him up in Egypt and in the spring of the next year he was still held before Acre by Sir Sidney Smith.

Sieyès too had left Paris in May, 1798, having accepted the embassy at Berlin. Since the treaty of Bâle the relations of France and Prussia had been curious and not satisfactory to either party.[3] The Prussians had no wish for an actual French alliance, but they were anxious to remain on good terms with the Republic, with a view to profit from the resettlement of Europe for which the

[1] Sandoz Rollin in Bailleu, p. 166.

[2] Du Casse, *Mém. du Roi Joseph*, I., 71, quoted in Fournier, *Napoleon*, I., 149.

[3] See Sorel in the *Revue des Deux Mondes*, August, 1897, and corresponding sections in his *L'Europe et la Rév. Franc.*, Sybel, V., 260 sqq., and the Prussian State papers printed by Bailleu.

French were working. Only in return for very solid compensation would they consent to abandon finally their land on the French side of the Rhine. King Frederick William III. who succeeded to the throne in November, 1797, was all for neutrality and peace. He gladly sent agents to the Congress at Rastadt; but his ministers suspected, and with reason, that the friendship of the Republic was not sincere, that at any moment the French might make concessions to Austria which would threaten the position of Prussia in Germany. Already at Campo Formio Austria had been secretly promised the bishopric of Salzburg and a piece of Bavaria, in return for assistance to be given at Rastadt in inducing the various rulers of Western Germany to let France take the left bank of the Rhine. This was a step towards the execution of Sieyès' German policy, a policy which—whether known or only guessed at Berlin—did not make for equal and friendly relations between France and Prussia.

The delays at Rastadt are easy to understand. Nominally the French were in pursuit of a peaceful and equitable resettlement of European politics. But their demands became steadily more exacting and all the while their armies were overrunning, revolutionising and pillaging State after State; for so only could the soldiers be kept quiet and the exchequer full. Throughout 1798 in Holland, Switzerland, North Italy, Rome, Naples, France was forcing her own republican system and with it a burdensome alliance on unwilling peoples. In Italy the rotten system of the Directory with its *coups d'état*, purgings of parliaments, stealings of pictures, and persecutions of the clergy led to an almost universal hatred of the French. Austria felt that she had gained nothing durable at Campo Formio; it was better to fight on than to let France pillage and dominate half Europe. England was ready once more. After Lord Malmesbury's failure to make peace at Lille, in 1797, the revival of her warlike activity, shown in the despatch of Nelson to the Mediterranean, did much to stir up Austria again for the fight. And the Czar Paul

was prepared to send his troops far into the West. So in time the coalition came together, though to the end Austria was trying to drive fresh territorial bargains with France. As formal war drew nearer both sides made offers to Prussia. In April, 1798, a special ambassador reached Berlin from Petersburg and his efforts were seconded from London and Vienna. Caillard, the French resident at Berlin, had long been angling for a Prussian alliance, but about this time he confessed that he had completely failed.[1] In fact Frederick William and his ministers were determined not to join either party, but this the French government could not know. It feared the secret influence of the coalition and still had some hopes of winning the active friendship of Prussia.

Caillard was therefore recalled and Sieyès, at his own suggestion endorsed by Talleyrand, was sent to replace him.[2] The Directors were no doubt glad to get rid of so ugly a critic, and their real respect for his intelligence led them to anticipate useful service from him at Berlin. At least they could count on tenacity and a perfect sympathy with the policy of expansion and domination. Sieyès himself welcomed a position of honour and emolument and a fresh opportunity of influence on the course of European affairs. He was weary of Parisian politics and, like Napoleon, he wished to give the pear time to ripen. France, when finally disgusted with the Directory, would listen to him more willingly after a season of separation. The new ambassador, said Talleyrand to Sandoz Rollin, is a man "who has been in the forefront of the Revolution, who is thoroughly sick of it, and who is to-day as violently opposed to it as he was violently in its favour. Disgusted with modern republicans even more than with modern republics, he wishes to leave his country which has no longer any charm for him."[3] The description is overdrawn

[1] See Bailleu, pp. 470—472 (Caillard's despatches).
[2] Barras, III., 213, "L'un de ses amis vient nous dire que Sieyès serait disposé à prendre l'ambassade de Prusse."
[3] Bailleu, p. 191.

because Talleyrand wanted to make the great regicide acceptable to the court of Berlin. Sieyès had not denied the Revolution: he had not abandoned either his internal or his external system of politics. Of modern republicans he was certainly very weary, but not of France. He did not mean to leave her for any very long time.

The instructions for the new ambassador, in the drafting of which he collaborated, are dated May 23rd, 1798.[1] In the survey of the international situation with which they begin one can hear his voice raised in complacent reference to the "extensions of the representative system" which are resulting from the success of the French armies. He was directed if possible to "bind Prussia to our system by means of an offensive and defensive alliance, to which Sweden, Denmark and certain German powers may accede, and which will become the real guarantee of European peace" against the "eternal intrigues" of England and the ill-will of Austria and Russia. In the last resort he was to prove Austria's duplicity and hatred of the Hohenzollerns by revealing a secret article of the peace of Campo Formio aimed directly at Prussia. The article also proved the duplicity of France, but this he was to explain away. It was noted that on the final international balancing day Prussia was to "transport her power to the East and North of Germany, withdrawing from our frontiers and approaching Poland, which is perhaps destined one day to become again a corporate nation dependent on Prussia." Those "vast changes" in Germany that the French Government had in contemplation were not fully explained. As the ambassador had himself invented most of them this was perfectly natural.

His conception of his functions was unusual. Before leaving Paris he told the Prussian Minister that "they would not find in him a politician in the ordinary sense of the word, but they would find a man who loved moral and social order, who would not countenance all the projects

[1] Printed in Bailleu, p. 473. Sorel calls them "un des meilleurs morceaux sortis de la chancellerie du Directoire."

of the Directory and would even oppose them on occasion."[1] And, whilst negotiating for an alliance with Prussia, he seems never to have abandoned his old opinion that it was through Vienna that the final settlement might best be attained. This opinion he put into a characteristic formula in one of his letters to Talleyrand—"We want peace; Prussia even if she were well disposed, which she is not, cannot give it you: Austria can, even though she be not well disposed."[2]

The appointment was thoroughly bad from a diplomatic point of view. Sieyès had an infamous reputation in almost every court of Europe. Sandoz Rollin had insinuated as much to Talleyrand from the outset. Later he received letters from his Government protesting in the strongest terms. The "profound dissimulation" for which Sieyès was notorious would make him a bad negotiator: his coming would be personally offensive to the King: why could not Caillard, who had won the confidence of the Prussian court, be left at his post? Such protests did not point to a successful mission, and Sieyès, on his arrival at Berlin, did nothing to smooth his own way. The curiosity of the German public to set eyes on this embodiment of revolutionary dogma should have been satisfied by his own determination to dress and act the part. He went to court with his scanty hair unpowdered above the lean scholar's face and with no sword. Across the breast of his dark blue coat ran a huge insistent tricolour scarf and his coat collar was embroidered with symbolic olive branches.[3] At his first official audience, on July 5th, he assured the King that his conduct would be "frank, loyal and friendly as fitted the morality of his character"! "You will not take it ill," he wrote in explanation to Talleyrand, "that I have spoken of myself more than would have been

[1] Bailleu, p. 208.

[2] October 20th, 1798, Bailleu, p. 496.

[3] This and other curious anecdotes of his life at Berlin are in the anonymous *Des opinions politiques du citoyen Sieyès et de sa vie comme homme public* which appeared late in 1799. It is sometimes attributed to K. E. Œlsner.

decent under any other circumstances. Opinion is much excited about me here since my arrival, and though I have this long time neglected the individual Sieyès, it is to-day a part of my duty not to present the ambassador in a disadvantageous light."[1] In pursuance of this plan, although isolated and shunned socially—except by a small group of philosophers and friends of the Revolution —he insisted that on every occasion proper respect should be shown to the representative of "the great nation." He never allowed the Prussian ministers to forget the Revolution, for in writing to them he invariably used the republican calendar. Nor was there any tact or circumspection in his epistolary style. It is not surprising that his correspondents passed quickly from suspicion to irritation and from irritation to hatred and contempt.

The offensive and defensive alliance proposed by the Directory was out of the question from the very beginning. If Sieyès had not realised this before leaving Paris he soon learnt it at Berlin. The lesson revived all his old distrust of Prussia, a distrust which appeared very early in his official correspondence. For form's sake the negotiation for alliance was kept up, but that was not the thing which interested Sieyès. He took up the question of the general European settlement with the zest of an artist in politics, and in his dreams he soon forgot the failure that was no great grief to him.

King Frederick William and his inner ministerial ring of three — Haugwitz, Finckenstein and Alvensleben — criticised schemes for settlement and drafted counter-schemes, but decided nothing. "I have had the enclosed memoir drawn up," wrote one of them, "I do not suppose for a moment that M. Sieyès will agree";[2] but they proceeded to talk about it. Sieyès quite understood the situation and told Talleyrand, after six or seven weeks at Berlin, that a straight proposal of alliance would certainly be rejected. Prussia, he reports, "will be deaf to smooth

[1] Bailleu, p. 480.
[2] Haugwitz to Finckenstein, August 7th. Bailleu, p. 227.

words . . . will remain lying idly in neutrality until she sees that you are arranging to dispense with her assistance." Make advances to Austria, he concludes, and do not neglect the lesser princes of Germany.[1] It is his plan of 1795. A few weeks earlier he had developed other parts of that plan. "I cannot too often remind you, citizen minister, that the mouths of the Elbe and the Weser should not be entrusted to a first rate or even to a second rate power." Things must be so arranged that the Directory can at will "shut all the ports of the continent from Gibraltar to Holstein or even to the North Cape against the commerce of England." Prussia must be penned behind the Elbe: there must be a buffer-state between her and the Rhine, another between her and England: "then truly Western Europe will be at peace. I see all combinations coming."[2] While Sieyès was speculating in this strain the Prussians were proposing to resign the left bank of the Rhine as a last concession, and he was supposed to be making allies of them.

Talleyrand would reply to the despatches of the amateur ambassador, sometimes by suggestions that he would be well advised to make more regular use of cipher,[3] generally by reiterated instructions to extract something definite from Prussia. These Sieyès would lay before the ministers. They would procrastinate and Sieyès would sit down to write despatches in a rage. "Haugwitz is of no party but the do-nothing party." "Haugwitz is not a minister of foreign affairs: he is a sentinel with orders to prevent affairs from getting in."[4] Failing completely with the sentinel, he approached Frederick William through his favourite Zastrow, but with no better result.[5] It became clear to him that Prussia had not even any desire to prevent war between his government and Austria. So he asked categorically whether France was to make peace

[1] August 25th, Bailleu, p. 485.
[2] Bailleu, p. 451.
[3] Pallain. *Le ministère de Talleyrand sous le Directoire*, p. 350.
[4] Bailleu, pp. 453, 457.
[5] Pallain, p. 369.

through Berlin or Vienna, for she was indifferent as to the channel? He had got to this point in August. But the plain answer never came. The Prussians could afford to wait and take risks, on the chance that before long some turn in the tide of affairs would force moderation on the French. Meanwhile they disliked Sieyès so much that they saw as little of him as possible. He in return became increasingly provocative. In September he handed in a five-line note demanding a prompt reply to his claim that in no case should territorial compensation be given to the ecclesiastical princes of the left bank. Each of the three chief ministers saw this note. Haugwitz thought it "amazing" and Finckenstein thought it "indecent." Alvensleben suggested that in the reply Sieyès "should be rapped well over the knuckles." So he was; and after that he had no dealings of any significance with the Prussian government. By December Talleyrand had fully realised the futility of pressing for a settlement and his despatches to Berlin contained little but political and diplomatic news.

At Rastadt, France continued to press her extravagant demands while Austria made ready for war. Sieyès, kept idle at Berlin, went roaming in thought over Europe where vassal republics were springing up with gratifying speed, but never fast enough for him. Early in 1798 the orthodox Constitution had at last been forced upon Holland; in April Switzerland took it from the end of a sword; in February the Republic had been proclaimed at Rome. Talleyrand doubted the wisdom of a too rapid creation of Italian republics. On learning of his doubts Sieyès wrote to rebuke him: "You seem to me to have put yourself in opposition to the natural course of events; you are opposing that force of things which governs the realm of politics as the law of gravity governs that of physics." Talleyrand replied that so far as he could see, the "force of things" in Italy was all the other way. Moreover Sieyès dreamt of a united Republican Italy dependent on France—"an ally that would cost her nothing, an ally strong enough to

serve as a useful auxiliary "[1]— whilst the minister and the Directors preferred a divided Italy, as safer, not sharing Sieyès' faith in a preordained inter-republican harmony.

His advice touching Prussia naturally became more trenchant. Before Christmas, 1798, he was urging the Vienna road to the great peace. In January, 1799, he was pointing out that, but for the concession made to Prussia at Bâle, by which North Germany was treated as neutral territory, France might have brought England to her knees by seizing Hanover and calling into being a North-west German league to hold the mouths of the Elbe and Weser.[2] The conclusion—which he did not draw explicitly—was simple: further attempts to conciliate Prussia would be mistaken, for Prussia had declined to retire into the north-east as he had prescribed.

Failing an alliance with Prussia, it was Sieyès' business to procure at least her continued neutrality. This was attained, but not by him. Frederick William and his cabinet for reasons of their own took no part in the reviving coalition. They promised the Czar not to join France, but would go no further. Seeing their interest to lie in neutrality, they needed no persuasion from Sieyès. He himself would probably have welcomed open enmity; but as he had been sent to win active or passive friendship, he gained some undeserved credit when it appeared that Prussia did not mean to fight.

For the Directory there was no alternative. France had to be protected and her generals employed. To gain time, the discussion of schemes for the resettlement of Europe was kept up while agents were sent abroad to stir up revolution. By February a vigorous offensive was determined on, and in March the armies were again poured out eastward and southward.

During the last months of his stay at Berlin—January to May, 1799—Sieyès had abundant leisure to supply Talleyrand with speculations as to the progress of the

[1] Bailleu, pp. 493, 497.
[2] Bailleu, pp. 496—497.

representative system, and encourage him in the task of building up the great dyke between France and Austria out of the ruins of the Rhenish States, on the broad foundation of Bavaria. "The Directory," Talleyrand wrote in March, "impressed by those very considerations which have so often led you to desire a sort of intermediate State in Germany, is at this very moment occupied in forming such a State." An agent had just been sent to Munich to discuss preliminaries. In the same letter Talleyrand announced the government's belief in the need for a north-western league to keep Prussia from Holland and the sea.[1] For such a task the times were not favourable. Within a few weeks the war went against France, and she was glad not to have Prussia among her enemies. But at first the war warmed Sieyès' heart. "Things are going to perfection," he wrote at the end of March; "we alone honestly wanted peace. My soul is filled with hope."[2]

Before the end of May he left Berlin to take the place of his old colleague and enemy, Reubell, in the Directory. At the last moment Prussia had seemed half disposed to join the coalition. Pitt had a million to spend on auxiliaries, and there were many who advised Frederick William to take it. But after much deliberation he refused. In his parting interview with the scarfed and unpowdered ambassador he behaved almost as a friend; but his ministers retained their contemptuous reserve. On June 7th Sieyès reached Paris, and the last stage in his active career began.

[1] Bailleu, p. 499.
[2] Neton, Sieyès, p. 348.

## CHAPTER VII.

### THE FALL OF THE DIRECTORY.

SIEYÈS came home to find France in a deplorable situation, thanks to the bungling of the Directory and its shameless pursuit of a policy for which he himself was in part responsible. Rebellion was breaking out in all the vassal States. In Italy and on the Rhine the troops of the Republic had been compelled to fall back. Whilst returning home from Rastadt on April 28th, the three French representatives at the Congress had been murderously assaulted, and their papers seized by Austrian cavalrymen. The Government of Vienna was at best an accessory after the fact; at the time it was regarded as the instigator of the crime. France was justly indignant, but there seemed no hope of present vengeance. Some of her best generals were not in the fighting line, and her armies, badly equipped, had to act on a front that stretched half across Europe. In Switzerland Masséna was with difficulty holding his own against the Archduke Charles. In Italy the wild Russian Souvarof —against whose march through Germany the French government had in vain protested[1]—after driving Moreau over the Apennines to Genoa, was established right under the Alps at Turin. And Pitt was just completing a subsidy treaty with the Czar.[2]

At home the Directory had been sinking ever lower in public esteem since Fructidor. In May, 1798, it had alienated the Jacobins by annulling no less than sixty of the new elections which had gone in favour of that

[1] Talleyrand to Sieyès, January 28th. Pallain, p. 421.
[2] See especially Sorel, *Rev. des Deux Mondes*, December, 1897, and his history.

party.[1] So it struggled on, hitting out blindly at its enemies left and right, ruled by the old "triumvirate," with Treilhard and Merlin of Douai as their colleagues. Its enemies of the left were now the stronger, for military disaster revived the memories of 'ninety-three.

In the Councils preparations were being made to destroy it from within. Sieyès was the destroyer designate. Shortly after his arrival at Berlin in the summer of 1798 Reubell had fallen ill, and a special messenger had been sent by his friends to warn him of the chance of a vacancy in the government.[2] Early in 1799 both moderates and Jacobins were being canvassed in his interest, in view of the election to the Directory that was due in May. "He will find a place here in one way or another," said Talleyrand to the Prussian ambassador, "either in the government or as my successor." According to Lucien Bonaparte, the Council of Ancients "felt vaguely that new combinations would soon become imperatively necessary, and that Sieyès of all men was best fitted to indicate them."[3] By the end of March this was the general opinion in Paris, but it was thought that the triumvirate would be strong enough to keep him at arm's length.[4] But the lot broke up the old gang by deciding that the Director to retire should be Reubell, the ablest and most dogged of them all. The spring elections had sent to Paris a strong body of extreme Republicans, who had not forgiven the purge of the previous year and were able to deliver effective assaults on the wretched finance of the Directory and its tyrannous control of the press. Reinforced by some of these men, the friends of Sieyès carried his nomination without difficulty, and before the end of May his acceptance had been announced.

[1] May 11th (22 Floreal), 1798, two days before Sieyès was appointed to Berlin.

[2] A report that came to Sandoz Rollin in July. Bailleu, p. 220.

[3] Bailleu, p. 272. L. Bonaparte, *Memoirs*, I., 186.

[4] See Stael, *Correspondance*, p. 276. Barras, III., 343. La Revellière, II., 382—383.

Certainly it was a popular appointment. Any change was welcome to the average Frenchmen; and to those who cared for politics and the Revolution Sieyès came with the glamour of his past, the prestige of a name noised abroad in Europe for ten years, and the added glory of an imaginary diplomatic triumph at Berlin. His failures were forgotten, and the Barrases and Revellières and Treilhards had nothing that could stand beside his achievement.

Before his election, all those who tried to keep their fingers on the pulse of France anticipated the speedy collapse of the Constitution of 1795. His arrival in Paris during the first week in June marked the beginning of the end. Royalist spies smelt revolution in the air. As the summer wore on their letters became more and more confident. Paris, they said, was waiting for the King as for a Messiah, and took no interest in the politics of the day.[1] Certainly the city was sick of change: it had lost interest in new Constitutions, and only wanted rest. But whether it had enthusiasm enough left to welcome anyone as a Messiah may be doubted. If the King could have come with power to take his own again and rule, no doubt he would have served as well as another. But there was no active desire for the old order. France, as the Prussian ambassador wrote in June, "was hoping for a change, for a King, but expecting him to come by waiting, to come from God."

Arrived in Paris, the new Director went at once to a long and secret conference with Talleyrand,[2] the man who noted later in life that governments which he abandoned always came to grief. Fortified by the advice of the keenest political intelligence in France, Sieyès proceeded on the following day, first to visit his colleagues, and then to assist at the national lamentation over the victims of the outrage at Rastadt. He spoke of himself: how at the nation's bidding he had accepted the burden which in

[1] A spy's report of July 9th, *Foreign Office, France*, 54.
[2] Sandoz Rollin's despatch of June 8th, Bailleu, p. 306.

more peaceful times he had felt at liberty to decline.[1] His formal inauguration took place a few days later. Within a fortnight he and his friends in the Councils had changed the whole character of the Directory. The leaders of the combined moderates and Jacobins who had supported his candidature held daily meetings with him from the first. Barras was allowed to attend: for that political gambler had decided that it was safest, now Reubell was gone, to put his money on Sieyès. His own account is that he welcomed the Abbé's entry into the Government because his talents and reputation would be of use to the country. Whatever the motive, the assistance that he gave was most valuable to Sieyès' party. So he was treated with politeness, the others—pending their removal—with insolence and contempt.[2]

Treilhard was the first to go. He had served for a year when, on June 16th, the Councils said they had found a tiny forgotten flaw in the manner of his election. His place was taken by Gohier, a substantial and amorous Jacobin bourgeois of no great ability, who revered the Republican tradition and did not wish to alter the form of government, except perhaps by introducing some features from the model of 'ninety-three. At first he sided with Sieyès, but they did not work well together. On the day of his appointment the Five Hundred demanded from government a prompt answer to certain questions addressed to it ten days earlier: What were the causes of the disasters in the field? and what measures were being taken to prevent their recurrence? In its reply the Directory managed to blame the Houses, who thus got the opening which they required. On June 18th Sieyès' old henchman, Boulay of the Meurthe, led what was really a personal attack on Revellière and Merlin. He accused Merlin vaguely of political immorality and

[1] His speeches as Director are in the *Moniteur* and in pamphlet form.

[2] Barras, III., 345, Revellière, II., 382, Duc de Gaëte, *Memoirs*, I., 40, Sandoz Rollin's despatches. Sybel, *Gesch. der Revolutionszeit*, V., 415.

Machiavellism; he reproached Revellière with his sectarian partiality for the Theophilanthropists. Ordered to report on the situation, he eventually carried a wordy vote of denunciation against those who were "plotting against the liberty of the legislative body." The Ancients concurred. As Paris was excited, and bad news continued to arrive from the frontier, Barras undertook to bully the unpopular pair into resignation. They gave way, comforting themselves with the thought that they were sacrificed on the altar of national harmony. Their places were at once filled by Roger-Ducos, an insignificant admirer of Sieyès, and the Jacobin general Moulins. It is said that Sieyès wanted Talleyrand and Cambacérès, and was somewhat disappointed at the issue. But if so, he took care not to let his annoyance appear in the speeches with which, as President of the Directory, he welcomed the new members. And seeing that he had risen with a bound to the headship of the government, he had reason to be accommodating in small matters.[1]

All went well for a few days. It was noticed that Sieyès looked contented, "almost gay." "Following the example of Our Lord," he said to Sandoz Rollin, "I have driven out of the temple those who bought and sold and dishonoured the Republic. I shall soon turn to foreign affairs, and our policy will take a more decent and more useful form."[2] He spoke as the master of France, but he soon found that his mastery was incomplete and his seat insecure. His real following was made up of republicans half weary of their creed, men who wanted rest, and hated the extremes of royalism and Jacobin democracy. They had turned against the old Directors because they were incompetent and corrupt and unable to devise any lasting settlement at home or abroad. A

[1] Revellière, II., 401, Barras, III., 350, L. Bonaparte, I., 266, Gohier, *Memoirs*, I., 22, Correspondence of Sandoz Rollin in Bailleu and Brinkmann, the Swedish ambassador, in Staël.

[2] Bailleu, p. 309.

coalition between these men and the revived Jacobin party was unnatural and could not last.

About this time—late in June or early in July—there issued from some Jacobin source a clumsy little book called *What is the People?* Its text is merely an ineffective adaptation of Sieyès' *Tiers État* to the state of the times, but the preface is of interest. After some strong abuse of the fallen government, its author addresses Sieyès, mixing flattery and threats, beseeching and ordering him to stand to his old principles and not betray his trust. He tries to express a confidence that he does not feel, and his attitude represents that of his party. Gohier and Moulins they reckoned safe. Roger-Ducos would follow Sieyès, who was therefore the man to win. But the public soon learnt, what his friends had always known, that he would almost prefer royalism itself to the pure Jacobinism which invoked the Terror and the Constitution of 'ninety-three. And as he generally had the support of Barras, "the rotten," he remained master of the Directory if not of France.

France was becoming daily harder to ride. Souvarof's advance, the increasing activity of England and Austria, and the knowledge that her greatest general and one of her best armies were shut up in the East, inclined men to heed desperate counsels. A strong party in the Five Hundred was working for a revival of the emergency methods of 'ninety-three. Commissions began to occupy themselves with administrative matters, after the fashion of Committees of the Convention. Authority was given to the Directors to order domiciliary visits and arrest suspects. On June 28th the conscripts of all classes were called out to share in the national defence. And in July a "hostages law" was carried, with a view to preventing royalist risings and isolated acts of violence in the provinces; things common enough, which it was feared might soon multiply, particularly in Brittany and the West, when all the able-bodied young men had passed to the frontiers. The Houses were empowered, at the request of the Direc-

tory, to declare any given department, canton or commune to be in a state of disturbance. Thereupon all relatives of emigrants and "brigands" and all ex-nobles became hostages. And for every "patriot" assassinated, four of the hostages were to be shipped overseas and the whole body was to pay a heavy fine.

In August the hostage law was followed by a forced loan from the propertied classes. Before that there had occurred a far more significant reminder of 'ninety-three—the Jacobins Club had revived in a slightly altered form. Hitherto the Directory had kept its heel on the Clubs, as the Constitution of 'ninety-five had intended that it should. Now the new Jacobins gathered in the old home of the Constituent Assembly, the Salle du Manège. Distinguished generals—Jourdan, Bernadotte and Championnet—were among its members, with old Terrorists like Bouchotte, Prieur of the Marne, and Drouet of Varennes. Its organs included the *Journal of the Free Men of all Lands* and the *Journal of the Tigers*. Evidently, if a change in the Constitution became necessary, there would be many behind Gohier favouring a return to the ideas of 'ninety-three, men who would not work easily with the supporters of those "new combinations" which Sieyès was expected in due time to reveal. The pear was not ripening just as the Abbé could have wished.

The other man who had gone away while the fruit mellowed was still in the East. In April, when first the war began to turn against France, Barras had suggested his recall, but the Directors would have none of it. Yet they seem to have feared Bonaparte less than they feared Sieyès; for when the Abbé's entry into power became imminent, they instructed Admiral Bruix to clear the Mediterranean and bring home the army of Egypt. Bruix never set sail, but news of his commission seems to have got through to Alexandria. Bonaparte learnt how ill the war was going from the newspapers that Sir Sidney Smith—anchored off the port—was delighted to transmit; and there is very little doubt that more secret

intelligence came to him from his brothers by way of Genoa and Tunis.[1] But it was not until the night of August 21st that the two frigates slipped out of Alexandria while Sidney Smith was watering at Cyprus.

By July Sieyès had decided to break with the Jacobins. The circumstances of his election and the temper of some of his colleagues had given that party a heavy share in the spoils of office available after the reorganisation of the Directory. Robert Lindet, a stern and upright Terrorist, was made Finance Minister. Quinette, the new Minister of the Interior, Borguignon, the Minister of Police, and above all Bernadotte, who was sent to the War Office on July 3rd, were all reputed keen democrats. Sieyès saw no prospect of working through Borguignon or Bernadotte; the one lacked capacity, the other good will. He could count on Bourdan at the Admiralty, on Cambacérès—the solid and greedy lawyer—at the Ministry of Justice,[2] and on Talleyrand, who, although he found it expedient to retire about this time, continued to manage foreign affairs *ad interim* until September, as Reinhard, his successor, had to come from a distant diplomatic post. Talleyrand retired because "his financial spirit" had made him intensely unpopular: official freedom would also be useful in the further political transformations that he anticipated and was arranging.

It was with some caution that Sieyès began his direct attack on the Jacobins, which covered an indirect attack on the whole existing order. Still, as in his early days, France groaned for lack of government. The Jacobin revival had once more brought to the surface the local groups of mixed scoundrels and republican fanatics. Royalist conspiracy and brigandage in the name of the King were endemic in many districts. Sieyès' part was to suggest that such anarchy was of the essence of Jacobinism and a calculable result of the Constitution

[1] Cambacérès (MS. Mémoirs quoted by Vandal, *L'Avènement de Bonaparte*, I., 179), believed that Sieyès was privy to these communications.

[2] Cambacérès did not secure this post until July 20th.

of the Year Three. On July 14 he had to speak for the government at the Festival of the Bastille. He spoke well of the great days in 'eighty-nine when "were laid the foundations of that representative system which, being incompatible with all hereditary power, was soon to lead to the rejection of royalty and the establishment of the Republic." "And would it be too much to say," he added with intent, "that then perhaps even more than to-day men's souls were republican?" Why, then, had the rest of good government been so long denied to France? Because of that time "when the most necessary authority was hated just because it was authority; when all ideas were so confused that those with no appointed charge persisted in undertaking the task of government; when those who had been unable to win the confidence of the nation asserted that, for this very reason, they alone had the right to speak in its name; when all seemed eager to represent the nation to the exclusion of its true representatives." After this preliminary criticism of the usurpations of crude democracy, Sieyès exhorted his hearers to unite against all enemies.

Within a fortnight he had again occasion to denounce the men and methods of the Terror; the appointed text of his harangue was the glorious revolution of Thermidor. Some days earlier he had agreed to a significant suggestion from Barras. It was that Bourguignon should be cashiered and the Ministry of Police given to Fouché, Fouché the ex-priest, the terrorist, the assassin of Lyons, a man who better than any other should know how to deal with his own kind.[1] Fouché hastened to Paris and took up office on July 30th. Before his arrival the Council of Ancients, where Sieyès' influence was strong, had turned the Jacobins out of the Salle du Manège. The hall lay within the precincts of their palace of the Tuileries, and they claimed to do with it as they would.

[1] Barras, III., 414, *Memoirs of Fouché*, I., 66. See also Gohier, Revellière, L. Bonaparte; and of recent narratives, Vandal *L'Avènement de Bonaparte*. I., 127 sqq.

After its eviction the society set up house on the south side of the river in the Rue du Bac, where for a time it lived unmolested. Next the Directors tried to induce the Chambers to frame an emergency press law, aimed at the *Journal of the Free Men* and its fellows, who were daily making more bitter noise. By mid-August the editor of the *Journal* was abusing Sieyès, ridiculing his constitutional dreams, reprinting his letter of July, 1791, in defence of royalty, and accusing him of devotion to the interests of some imagined constitutional king.

The abuse had been provoked. Commemorative festivals came thick at this time of year; Sieyès was still orator for the Directory; and he had left his splendid quarters in the Luxembourg to preach strong doctrine in the Champ de Mars on August 10th. "Beware," he cried in the latter part of his speech, "beware of treating as Republicans those who . . . think that it is always cowardly to build, always glorious to destroy; who would govern by clamour and not by laws." He spoke long: there was no change in tone; and this was his peroration. "Their aim, be sure of it, is not justice; they desire to intoxicate the people with suspicion, to confuse and discourage men's minds, to drive them to despair, to lord it over a troubled land, at all costs to govern—men of France, how they govern you know." And the attack had been pushed home by Fouché, who within a few days of this speech shut up the club house in the Rue du Bac.

This was not the sole cause of the anger of the Jacobins. It was the common talk of Paris that Sieyès meant to change the Constitution. He had made no secret of his wish, though few had any knowledge of his alternative scheme. Now the air was full of rumour: he had sold himself to Prussia; he meant to make the Duke of Brunswick, the author of that manifesto which seven years before had threatened Paris with military execution, to make Brunswick King in France! Every day some fresh journal or pamphlet took up the cry. Old anecdotes

to Sieyès' discredit were revived, circulated and relished. An attempt was made in the Five Hundred to prove that his election had been irregular like that of Treilhard. Sieyès was in bad health; his vanity was touched; he became restless and apprehensive. "The worst lot that can fall to a man," he said, "is to be Director of the French Republic; there is no more terrible and infernal trade."[1]

With Fouché's aid he now devised a decree that rendered the chief opposition journalists liable to arrest and transportation. It was dated September 2nd. It threatened ruin to the Jacobin cause, and its legality was most questionable, so questionable indeed that the Directory did not dare to arrest anyone; and although it shut many offices, including that of the *Journal of the Free Men of all Lands*, it failed to prevent that publication from turning itself into *The Enemy of the Oppressors of all Times*. Two days after the issue of the decree, at the fête in honour of that meanest of revolutions, the 18th Fructidor, Sieyès tried to soothe the pain and anger of the democrats by an attack on the royalists, and to encourage the nation, disheartened by the "temporary interruption of the course of its triumphs," by exhorting it to rally round a government neither terrorist nor reactionary. Yet at this very moment "a coup d'état on the part of the Directory was expected every day"[2]; the Jacobins, while denouncing a prospective alliance between Sieyès and some "fellow in epaulets," were themselves secretly trying to secure the loan of the epaulets of Bernadotte,[3] and were openly sharpening an old weapon of offence—the declaration of the Fatherland in Danger, to be followed by a concentration of all power in the hands of the Five Hundred in continuous session. This weapon they decided to use immediately after the receipt of a series of alarming bulletins from the armies in the field, during the second week of September.

[1] Reported by Sandoz Rollin, Bailleu, p. 322.
[2] Sandoz Rollin, despatch of September 8th, Bailleu, p. 337.
[3] Jourdan, *Notice sur le* 18 *Brumaire*, quoted in Vandal, I. 184.

Souvarof, having beaten the French again at Novi on August 15th, had turned to the right and was fighting his way over the St. Gothard to join the attack on Masséna in Switzerland. The English had landed at the Helder and captured the whole Dutch fleet. News of this disaster reached Paris on September 10th, and on the 13th General Jourdan rose in the Five Hundred to move the decisive vote. After an angry debate, in which Lucien Bonaparte, Daunou and others successfully opposed Jourdan, the division was deferred until the following day. Very late that night Sieyès assembled the Directory, and with the aid of Barras tricked Bernadotte into resigning the Ministry of War. Dubois-Crancé, whose name was associated with the heroic age of revolutionary warfare, was nominated to succeed him; but as Dubois was not in Paris, the post was filled by a stop-gap general who would obey orders.[1] The Jacobins tried to stir Paris, but Paris would not rise, and when the division was taken it was declared by 245 to 171 that the Fatherland was safe. Yet more bad news from the front might easily change the balance of parties or even inflame the jaded Parisian mob; so, in spite of the Ancients' loyalty, the Directors did not feel secure. Their thoughts turned to Egypt, and on September 18th they instructed Reinhard to send a letter of recall to General Bonaparte and "the brave men who were with him." He was given full powers to do what seemed to him best. The letter has an undercurrent of wailing sound as of men in deep discouragement and distress.[2]

Certainly for Sieyès the recall of Napoleon was a counsel of despair. Ever since his return from Berlin he had been contemplating a work of constitutional reconstruction. He was in touch with great exiled names—with Carnot and Lafayette[3]—and had been sounding

[1] See Barras, IV., 13, and the MS. quoted in Vandal, I., 189—190, and Appendix I.

[2] It was first printed by Mignet in his *Notices et Mémoires Historiques, Sieyès.*

[3] See Lafayette's letters quoted in Vandal, I., 116 sqq.

friends and acquaintances, looking about him for useful colleagues and tools. Dinners and social gatherings at the Luxembourg furnished the opportunities. The guests are in the gardens, it may be, and Sieyès, in the full court dress of a Director with scarf and plume, moves from group to group hinting to this man and that how the Constitution needs renovating, and marking the effect of his words. Or again, in less convivial surroundings, he is forcing moderate republicans to take his side by threats that he will accept help from the Jacobins.[1] So he gathers a party: some follow from conviction and trust his half-light sketches of the "new combinations"; more turn away after him in weary disgust of what has been and feeble faith that whatever may come cannot be worse.

But what was the exact change that he meditated? What would he have done had he been really master of the situation? We do not know, and possibly he did not know himself. He was watching events, testing and balancing alternatives. His enemies said that he desired to entrust the salvation of France to Ferdinand of Brunswick or some other German Protestant Prince, as founder of a constitutional dynasty or Protector of a Bourbon child. It is certain that Talleyrand was playing with the idea, and it is probable that Sieyès considered it. A man from Talleyrand's circle went so far as to touch on the matter in conversation with the Prussian minister in Paris.[2] One single sentence contains all our absolutely first-hand evidence of Sieyès' views, and that sentence comes from a Bonaparte. Once in 1802 Joseph Bonaparte was talking over with Roederer the various men who had from time to time been put forward as possible saviours of France.[3] "In 1792," said Roederer, "people were thinking

[1] Delbrel, *Notes historiques* (Ed. Aulard). Taillandier, *Daunou*, p. 107.

[2] Bailleu, I., 330.

[3] Roederer, *Œuvres*, III., 449. There are plenty of references in the memoir-writers. The most important is in Fouché, I., 70—71. But Fouché's memoirs, though not so apocryphal as was once supposed (see *La Rév. Franc.*, September, 1900), are not a first-rate authority.

of Brunswick." "They were still thinking of him at the time of Bonaparte's return from Egypt," Joseph replied, "Talleyrand spoke of him to me as our last resort as things then were—even Sieyès did so too." Perhaps Sieyès did, and perhaps he meant what he said; but at best this is far from a plan, far even from a desire.

Brunswick's name is only one among the many candidates for a constitutional throne whom he is supposed to have considered. The list includes Louis Philippe, one of the Spanish Bourbons, the Duchess of Angoulême—sister of the murdered Dauphin—even Louis XVIII. himself.[1] If Cambacérès can be trusted, it was again Talleyrand who approached Sieyès in the interests of the Duke of Orleans, and this in itself is exceedingly probable.[2] But according to Fouché, Sieyès did not like the suggestion.[3] On the other hand there is some, though not conclusive, evidence that he seriously considered the name of the Duchess of Angoulême.[4] A girl might well seem fit for the post of monarch as he had conceived it in 1791. Yet it is most likely that these stories reflect more accurately the gossip of the day, and the hopes of candidates for the throne that seemed to lie in Sieyès' gift, than the serious plans of the man himself. As early as June some few royalists fancied that he was working for the Duchess, but well-informed men dismissed the rumour with contempt.[5] The story about a Spanish prince came to London from royalist sources in Paris during September; but it was obviously ill-founded gossip.[6] What Sieyès really wished to do can best be inferred from his conduct in November and the suggestions that he then brought forward. When these things are considered along with his earlier political opinions, it is hard to believe that he ever contemplated

[1] Barante, *Memoirs*, I., 40. Lavalette, *Memoirs*, p. 343.
[2] Cambacérès, *Eclaircissements inédits*, quoted in Vandal, I., 120.
[3] Bourrienne, *Memoirs*, VI., 291. Fouché told Bourrienne that he himself suggested Orleans.
[4] Fouché, *Mémoirs*, I., 37. D'Hérisson, *Le Cabinet Noir*
[5] Sandoz Rollin, June 21st. Bailleu, p. 309.
[6] Mallet du Pan, *Mercure Britannique*, IV., 161.

the recall or creation of an hereditary dynasty, save as a *pis aller;* although there can be little doubt that the master-mind of Talleyrand and his infinite manipulating skill were applied in the interests of an hereditary constitutional monarchy.[1]

For the rough work that must precede any new combination a man of action was wanted, a fellow in epaulets. Bonaparte's name had naturally occurred, but Bonaparte was not just the man Sieyès wanted. His recall might become necessary for the sake of France—this question Sieyès was already weighing in June[2]—but he did not fit into the Abbé's private scheme. The man first selected was certainly Joubert. He left Paris in the middle of July to acquire the needed prestige at the head of the army of Italy. Sieyès counted on a successful campaign; but Joubert fell fighting Souvarof at Novi,[3] and the work had to be done over again. Lucien Bonaparte says that Macdonald was next sounded and after him Jourdan the Jacobin, whose decided refusal made Sieyès cry in anger and alarm: "Then we have no sword on our side: why is your brother not here?"[4] He was no doubt profoundly discouraged when he authorised the message for Egypt; but after it was written he continued to seek an instrument fitter than Napoleon.

No sooner was the message sent south than the tide of war turned. Masséna beat Korsakow in the battle of Zurich on September 25th and 26th. The army of Souvarof, exhausted after its long struggle up the St. Gothard, found central Switzerland hostile beneath its feet and escaped eastward over tangled ranges to the valley of the Upper Rhine at Chur. Soon the Czar withdrew his forces altogether. In Holland Brune had outmatched the Duke of York. Exhausted, but victorious, France stood waiting;

[1] Information from Paris led Lafayette to believe that Sieyès had agreed to "the establishment of a royalty," Vandal, I., 120.
[2] Barras, III., 416.
[3] For the evidence of Sieyès' relations with Joubert, see Vandal, I., 113, 122.
[4] L. Bonaparte I., 370.

and then—on October 9th—Napoleon landed without his army near Fréjus, the birthplace of Sieyès, to receive his letter of recall on French soil.

Not even the Bonaparte brothers had expected this descent from the sea. France was radiant: the journey from Fréjus could have been made a kind of royal progress had Napoleon been less discreet; but the Luxembourg was gloomy. Sieyès had an appointment with Moreau, his latest general, on the day the news reached Paris. Baudin of the Ardennes, member of the Ancients, one of Sieyès' conscientious partisans, was in the room when they met and heard the news from the Director himself. He also heard Moreau's comment: "That's your man; he'll make your coup d'état far better than I."[1] They say that Baudin died of joy next day; but Sieyès went grumbling to Barras about insubordination and military impudence.[2] Now that France was safe, no reasons of state justified the return; nor had Sieyès lost his old gift of reading the face of the clouds.

Before noon on October 16th Bonaparte drove into Paris without his luggage—the brigands of the high road had got it near Aix—and began a cautious political reconnaissance. The government must go and he must come; but there were pretexts to be found, soldiers and politicians to be duped or won. Many of the most useful among them needed no winning—Roederer and Talleyrand, who scented the successful man, the minor generals who were eager to follow their chief against "these damned lawyers" for the honour and profit of the army. Of the soldiers Moreau gave most trouble: he had to be convinced that Napoleon aimed only at civil power and would leave to him the glory of the guns. And of the politicians the most intractable at the outset was Sieyès. He alone of the Directors did not hasten to call on the general while still

[1] This is a tradition in the Baudin family communicated to M. Vandal, I., 233. For other references to Sieyès' relations with Moreau, see Talleyrand, I., 270. Fauche Borel, *Précis historique*, p. 35. Lanfrey, *Napoleon*, I., 316.

[2] Barras, IV., 29.

hot from his journey: so when they met next day at dinner Napoleon was studiously insolent, for it might become necessary to get rid of this uncompromising old constitution-maker. While sounding Gohier, he reminded him that "if he did not take care that cunning priest would sell him to some foreign court." Would it not be possible to arrange that Bonaparte himself, though considerably under the legal age, should take Sieyès' place? Gohier says that he did not encourage this improper suggestion. It was repeated to Moulins who also alleged his political conscience. Not until he had tested his old patron Barras and found him wanting did Napoleon finally decide to join forces with the "cunning priest." His own explanation is that Sieyès and his adherents, a majority in the Ancients and a strong minority in the Five Hundred, were upright and intelligent, but lacking in determination and dash. For the mere making of a *journée* Barras was the better man of the two, though he had no personal following.[1]

But Talleyrand meant to bring the principals together, and Talleyrand knew how to manage them both. Presumably he informed Bonaparte that Barras really would not do, whatever Fouché might say to the contrary. Within a week of the first meeting, an aide was sent to Sieyès to announce a visit from the general. But Sieyès, who did not mean to cheapen himself, regretted that he had to attend a meeting of the Directory at the hour named. His brother conveyed the message and was given a taste of the Napoleonic temper in a crowded room. This brought up Talleyrand who—in effect, though not in the crowded room—told the general not to be a fool, and arranged state visits and return visits, after the fashion of crowned heads, between the high contracting parties. Naturally enough mutual suspicion was not immediately removed. Napoleon was annoyed because the drums of the guard were not

[1] Bourrienne, III., 39. Gohier, II., 206. Gourgaud, *Memoirs*, p. 64.

beaten when he entered the Luxembourg and only one wing of the great doors was thrown open : Sieyès talked of his plans and of a possible alliance, but made no communication. So for another week the completion of the treaty remained somewhat doubtful.[1] October 30th was the decisive evening. That night Barras gave a dinner at the Luxembourg. An interview with Napoleon followed the dinner. Napoleon found the Director offensive and not frank. Barras attempted to treat his visitor as an inferior: he dropped hints which the general refused to understand: he even talked of giving him some important military appointment. In the end Napoleon went away in a rage.[2] The fact was that Barras had not quite decided what line of action would be most profitable; he only knew that he had no wish to act as Bonaparte's lieutenant. He had been dealing with the agents of the Pretender and he was waiting to join the winning party. In the end his miscalculation forced him to play a needlessly shameful and subordinate part. Hitherto his conduct had filled the Royalists with hope. They had never been more sanguine since 1792, and had never had better reasons for confidence. In barracks up and down the country soldiers were grumbling that a king was what they wanted: in more than one department conscripts had cried "Vive le roi" and refused to march; tired peasants vaguely connected the king with that peace which the Republic could not or would not seek. The country was full of royalist agents and the coalition was ready to support them. Fresh disturbances had just broken out in the west. Cadoudal in Brittany, Willot in the south, Pichegru on the Rhine, had everything ready—so at least the spies reported, and the royalist memoirs affirm. True, they feared that the molten stuff of France might be poured into the ugly mould of constitutional monarchy; but they believed that some daring act could avert that danger. What they lacked

[1] This paragraph is based on the MS. notes of Grouvelle, a friend of Sieyès, quoted by Vandal, I., 258—260.

[2] Gourgaud, *Memoirs*, p. 64. *Journal Intime*, I., 469.

was a leader fit to deal with Sieyès, Bonaparte and Talleyrand.[1]

For after the evening of the 30th, the three were working together. All the Directors lived in the Luxembourg, and Sieyès was at home that night. Bonaparte went straight to him after his quarrel with Barras, and next morning the Abbé told a friend that they "had agreed to act in concert to bring about a political change."[2] Arrangements for the coming revolution now went on briskly. Active and efficient agents—Roederer, Boulay, the Bonaparte brothers and always Talleyrand—passed and repassed between the allies and helped to muster and drill their forces in Parliament. Yet Sieyès was not happy. A few weeks earlier he had been dreaming that the ambition of his life might be fulfilled, that he, unaided and uncrossed, might give France a Constitution. Now, when the final arrangements were made on November 6th, he received no kind of guarantee that his own constitutional plan, that great design of which men spoke in reverent ignorance, would be accepted when all was over. Failing such a guarantee he knew his risks and anticipated disappointment. One night after dinner he was explaining to two of his guests, Joseph Bonaparte and his old friend Cabanis, the system of government by three consuls that he intended to establish provisionally. They were standing by the fireside. "It is my wish," Sieyès broke out, "to act with General Bonaparte, because of all the soldiers he is the most of a civilian: yet I know what to expect. After our success the general will pass over his colleagues and do what I do now." And with that he slipped behind his companions, walked between them, pushing them back with extended arms as he did so and moved into the middle of the room,

[1] For Barras and the royalists see especially Barras, IV., *passim*, and M. Duruy's Introduction to his *Memoirs*. Fauche Borel (the royalist agent with whom he dealt), *Précis historique*, pp. 13—40. Hyde de Neuville, *Memoirs*, p. 228 sqq. Spies' reports in *Foreign Office, France*, 54. French government reports as to the state of the country, quoted in Vandal, I., 217.

[2] Boulay de la Meurthe, *Life*, p. 86.

"to the great amazement of those of his guests who were not familiar with his brusque and vivacious Provençal manner."[1]

Before ever Bonaparte appeared, the outline of a scheme for overturning the Constitution of 1795 had been discussed in Sieyès' inner circle; but when the time for action came the parliamentary manœuvres were not cleanly executed. Perhaps those responsible were hampered by the apparently deliberate concealment from them of certain of the military details of the plot.[2] It was necessary to get both Houses of Parliament out of Paris to avoid all danger of riot. The Ancients had a constitutional right to change their place of sitting for sufficient cause. It remained to find a cause and people who would pretend to think it sufficient. The plan was to transform the remains of the Jacobin agitation in Paris into a plot against the liberty of Parliament. About this there should have been no difficulty. It is true that the Councils were even now preparing to repeal some of their violent laws of the summer, so that there was no time to lose if the spectre of the Red Terror was to do its work; but the Jacobins had plotted so often against the liberty of Parliament, that a little skilful lying would for a time have convinced most people that they were doing so again. As reported by Sieyès' party, however, the conspiracy lacked the very appearance of reality.

Business in the two Houses was regulated by officials known as Inspectors of the Hall. Both sets of Inspectors were safe and in the Five Hundred, where success was more doubtful than in the Ancients, Lucien Bonaparte was fortunately in the chair. Very early in the grey morning of November 9th (18th Brumaire) the Inspectors of the Ancients summoned an extraordinary meeting at the Tuileries, taking care not to send the summons to certain prominent malcontents. There was a little vague talk about the plot and then a vote was put and carried that

[1] J. Bonaparte, I., 77. There may be an element of legend in the story. See also Grouvelle in Vandal, I., 272.
[2] Grouvelle in Vandal, I., 298.

on the following day the Houses should sit at St. Cloud, to avoid the danger from conspirators in Paris. After this the Ancients took upon themselves to appoint General Bonaparte commander of the troops in and around the capital, including the bodyguard of Parliament. He was to see that the transference was carried out in peace. In the Five Hundred, a few hours later, Lucien had the messages reporting these decisions read and the sitting closed without discussion or disturbance. His action was constitutionally correct and there was a strong force of cavalry drawn up outside the Palais Bourbon; for Napoleon had begun to act immediately on receipt of the news from the Tuileries, and before the Five Hundred met he was moving the troops as he wished. Already he had appeared in uniform, after riding with his staff through a peaceable and cheerful crowd, at the bar of the Ancients and there delivered an embarrassed and rather meaningless speech. On his way out he had met a messenger come from Barras and, treating him before the crowd as the embodiment of Directorial misrule, he extemporised the wonderful scene of upbraiding. "What have you made of that France which I left you so brilliant—What have you done with those hundred thousand Frenchmen whom I knew, the companions of my glory? They are dead." It was the single moving scene in this poor forced drama of revolution.[1]

The migration to St. Cloud needed the official sanction of the Directory, although the only part of it which they could constitutionally have vetoed was that relating to Bonaparte's command. As only two Directors were in the plot Talleyrand, accompanied by Admiral Bruix, had paid an early call on Barras, bringing with him a written act of resignation lacking only the signature. Barras had been kept in play by Napoleon to the last. He realised now that he had lost; left his toilet to sign; and rode away

[1] The scene was extemporised, but some of the words of upbraiding were borrowed from an address presented to Napoleon by a provincial Jacobin club. Vandal, I., 316.

from Paris after breakfast carrying his price with him—as there is good reason to suppose.[1] To keep Gohier quiet Josephine had invited him to breakfast that morning at eight. He did not go. Hearing of what was afoot rather later, he drove with Moulins over the river to the Tuileries, where he found Sieyès, Roger-Ducos and Bonaparte, with a fast-growing crowd of ministers and public men coming to heel. Barras having gone, the decree could not be vetoed; and for some reason that is not very clear Gohier and Moulins signed after Sieyès and Ducos. Before noon the two outwitted Directors found themselves in the courteous custody of Moreau at the Luxembourg; and when they wrote a protest to the Councils against such ill-treatment the guard refused to transmit it.

Preparations for the final scene at St. Cloud were made in the afternoon and evening. Bonaparte drafted proclamations; Roederer and other literary agents of the conspirators worked at placards and pamphlets or drew up suitable reports of the day's work. Some very effective placards had already been put out and the easy temper of Paris ascertained. The funds were actually rising. When the newspapers announced on the morning of November 10th (19th Brumaire) that the Councils would meet about mid-day at St. Cloud, crowds began to stream out westward through the Bois de Boulogne to see the game. Troops lined the route; but there was no need for them; outside Parliament not a dog barked. Had the armies of the coalition continued their victories into November it might have fallen out otherwise. But the danger had passed: no one loved the Directory, and Paris was so jaded that it could not respond to any ordinary political stimulus. It had seen so many forms of government and none had brought it rest.

The parliamentarians had not laid their plans well. A long and late conference among them on the previous evening had been vague and inconclusive; so much so

[1] See especially Roederer, III., 300.

that Cambacérès, left behind in Paris, was making arrangements of his own in the event of failure. Now, when the members reached St. Cloud, they found that no proper quarters had been prepared in the deserted palace. From before twelve till nearly two they strolled about talking, eating, when they could, and exciting one another. Followers of Sieyès who yet disliked military revolution began to waver. The more active spirits among the Five Hundred, who had been scurrying to and fro since early on the 9th, had time to explain to others exactly why they had been brought out of Paris. Nearly all the opposition was there; for although an agent of Bonaparte had persuaded a few military Jacobins to stay away, the General—it is said—had rejected Sieyès' suggestion that forty or fifty of the chief men should be arrested *à la Fructidor*.[1] Towards two o'clock the debates began, the Ancients sitting in the Gallery of Apollo, the Five Hundred in the Orangery. The leaders in the Upper House had agreed with Sieyès to propose an adjournment of both Councils and the creation of a provisional consulate. If there had been no delay this might easily have been done; but as it was, difficulty with the protesting minority of the Ancients and the indignant majority of the Five Hundred was certain. In the Ancients it was impossible to give a satisfactory answer to those who complained that the evidence of a plot, dangerous enough to justify migration from Paris, was of the flimsiest. From complaint they passed to constitutional protest. Did not the law say that, in case of such migration, it was necessary that a majority of the Directors should also be in that commune to which Parliament transferred itself; and was such a majority known to be in St. Cloud? A messenger was sent to inquire and the sitting suspended pending a reply. At 3.30 the reply came from the Secretary of the Directory that four of the Directors had resigned and the fifth had been

[1] Gourgaud, *Memoirs*, p. 84. Barras, IV., 86. Vandal, I., 340—341. Augereau and Jourdan, the chief absentees, arrived at St. Cloud later in the day.

put under arrest by Bonaparte, and that so "there was no Directory left."[1] This was not true, but it was true enough, and it served.

There were only ex-Directors in the commune. Sieyès and Ducos had resigned verbally during the interview with Gohier and Moulins on the 8th. They had not, however, succeeded in extracting a resignation from either of their colleagues. On the 9th they had driven together to St. Cloud, and when the message was sent they were sharing with Bonaparte a great deserted room on the first floor of the palace, above the main entrance and not far from the Gallery of Apollo. It is said that Sieyès had of late been practising horsemanship, an art that he had never mastered, with a view either to consular processions or to a possible flight. If so, he did not trust his new skill; for throughout the day a coach with a strong team was waiting for him at the palace gates. Meanwhile he listened to the accounts of progress in the Councils, brought in every few minutes by some man of his party or by an aide-de-camp of the General.[2]

Reports from the Five Hundred became alarming about the time the Ancients sent their message. The majority had been noisy from the first. When a deputy was put up by Sieyès' allies to defend the policy of migration and move for a commission to inquire into the dangers that threatened the Republic, he was howled down, Lucien Bonaparte in vain struggling to keep order. There was a shouting of *La Constitution ou la mort;* and then someone suggested that the oath to the Constitution should be administered. So, solemnly and with much delay, the excited deputies in turn mounted the tribune and swore. When Lavalette, the aide-de-camp, brought this news to the empty room on the first floor, he found Sieyès sitting over the hearth trying to stir up a fire, for the November afternoon was

[1] Gohier, I., 419. No proper minutes of this part of the parliamentary proceedings have survived; probably none were kept. Destrem, *Quelques documents sur le* 19 *Brumaire*, *La Rév. Franc.*, Vol. 58 (1910), p. 342 sqq.

[2] Gohier, I., 238, 419. Roederer, III., 302.

cold. Looking up from his firewood he listened with perfect composure and replied deliberately: "Oho! swearing to a part of the Constitution is all right; but the whole thing—it's too much.[1]

Between 3.30 and 4.0, Napoleon decided to intervene in this clumsy parliamentary business and moved with his staff to the Gallery of Apollo. He made a speech, his first speech before a legislative audience, and more than once he almost broke down. Fit words would not come, and there was no debating repartee for the interrupter.[2] The topics of his broken discourse were the dangers that threatened the country within and without, the collapse of the old order, the need for some new thing. It failed of its purpose—he meant to sting them into legislative action—and he withdrew angrily, calling on the grenadiers of the guard, the parliamentary guard. Accompanied by a handful of these same grenadiers he passed through the palace stairways and corridors to the Orangery on the garden side. By this time the Five Hundred had all sworn to uphold the Constitution that he was come to destroy. They yelled abuse at him, threatened him and hustled him. There were no poignards drawn: they are part only of the Napoleonic legend; but there was enough physical and moral violence to send him out dazed, almost frightened. As he withdrew they shouted—Outlaw him! Outlaw him!

Angry and overwrought he made his way back to where Sieyès sat by the fire and the messengers came and went. After a time they brought the news that a vote of outlawry would really be moved. Napoleon was in an agony of nervous excitement. Sieyès, still quite cool, only said: "If they outlaw you they are outlaws themselves."[3] Then the General drew his sword, crossed to the window and

[1] Lavalette, *Memoirs*, p. 349. "Jurer une partie de la Constitution, passe, mais toute la Constitution, c'est trop."

[2] His remark to Bourrienne (III., 106) is well-known: "Ces b . . . là m'ont intimidé. Je n'ai pas l'expérience des assemblées. Cela viendra."

[3] The story is from Roederer, III., 302.

called the troops in the courtyard to arms, went downstairs and mounted a borrowed horse.

Lucien meanwhile had declined to put the vote. After solemnly laying aside the red cloak, which was the badge of a deputy, he sent out a whispered urgent message. It brought a captain and a squad of grenadiers, among whom Lucien left the hall and joined his brother. Throughout he had shown astonishing courage and resource. Now he found the troops wavering. Knots of deputies slipped out and harangued them, while elsewhere Napoleon and his lieutenants retailed the story of an attempted assassination and stirred the soldiers' contempt for the talking folk. Still they hesitated. Lucien got him a horse. Fresh from the president's chair, he rode among the men and told them to turn out the assassins who had invaded the hall. The legend gathered power. But day was dying when at last the charge began to beat and the grenadiers, with Murat at their head, filed into the Orangery. Screaming protests from the deputies were lost in the noise of the drums, and the cloaks of the Five Hundred disappeared through doors and windows and down corridors.

The Ancients, only waiting to be led, easily accepted Lucien's account of what had happened in the Lower House and hastily sanctioned, on their own authority, a provisional arrangement such as their leaders had long since planned—three consuls and a legislative commission. Nothing more was done until after dinner; for it was now about seven o'clock. In 'ninety-three the Great Committee of Public Safety used to sit on from the day into the night with its brandy and tobacco; but after six years things could be managed with more decency and comfort. There was no rumour of disturbance in Paris and no armed mob at St. Cloud, only deputies who had thrown away their cloaks and a crowd of sightseers who also wanted dinner.

Dinner over, the rump of Parliament met—perhaps as an afterthought—to give more regularity to the day's

proceedings. In the half-lit Orangery, with its tumbled benches, Lucien presided over a hastily gathered handful of the Five Hundred. On the back of a sheet of paper that contains notes for his speech is a list of twenty-five names, which may possibly be the full tale of those present.[1] Certainly they were few; but they played out the game, making proposals for a provisional Government, referring these proposals to a committee, listening to a report and commendatory speeches from two trusted friends of Sieyès, Cabanis and the indispensable Boulay of the Meurthe. After that they voted, with certain modifications, the scheme divulged to the Ancients before dinner. The Directory had evaporated and the Houses were adjourned until February. Government and the reform of the Constitution were handed over to the three provisional consuls and two commissions representing the two Houses, each containing twenty-five members. Some sixty deputies were excluded from Parliament, and all these votes were ratified by the Ancients shortly after midnight.

Somewhere between one and two in the morning Bonaparte, Sieyès, and Roger-Ducos were sworn in before the Houses in turn and a mixed gathering of spectators. The President of the Ancients embraced them. Their oath bound them to uphold the Republic one and indivisible, liberty, equality, and—the representative system. Business was not yet over; but at length, in the cold that comes before the dawn, the consuls drove back into Paris, "and so to bed."

[1] M. Destrem (above p. 236) inclines to this view. The legendary number is thirty. M. Vandal (I., 395) thinks there must have been many more. It is quite likely that the twenty-five is a draft list for the commission mentioned below.

## CHAPTER VIII.

### THE CONSTITUTION OF 1799 AND THE OLD AGE OF SIEYÈS.

BRUMAIRE 20th was a *Décadi*, and but for holiday-making Paris enjoyed a republican Sabbath calm. While sanguine and contented citizens were telling one another that now at last there would be peace, those men who had to make and keep the peace began the work of settlement and reconstruction. Administration was their first and greatest care, and in all administrative matters Bonaparte prevailed. At the first consular meeting Ducos offered him the chair, but thenceforward he wisely allowed his colleagues to take their turns of presidency. In constitution-making it was assumed that Sieyès would lead. Many even among his chief supporters fancied that he was ready with a system fitted to the needs of France, a belief that was general among the rank and file. Boulay of the Meurthe, who had slept in the Luxembourg, visited him on the morning of the 20th and asked for this seasonable Constitution. There was not a moment to lose he said. The master's reply was discouraging: "I have some ideas in my head but nothing written down, and I have neither the time nor the patience to put them into shape." Boulay offered to write at his dictation, but even then more than a week elapsed before the whole was got on to paper. Sieyès expounded with reluctance as though conscious of coming failure. Yet, after his old fashion, he laid down the system which reflection seemed to recommend, modified only here and there by tactical exigencies. It was not for him to inaugurate compromise.[1]

[1] Boulay's *Théorie constitutionelle de Sieyès* (1836) is the chief authority. Lucien Bonaparte gives some account of what he calls the

The first few pages of the pamphlet, in which Boulay made known the details of this scheme thirty-six years later, contain the very words of the master. It is easy to recognise the vigorous, condensed, though abstruse style. The later pages are a paraphrase and narrative which may or may not be contemporary, and may therefore contain some infusion of Boulay's own notions. Sieyès began by defining the aim of the Revolution—"to break down all the royal, feudal, or hereditary institutions to which the really necessary parts of the social machine were attached"; "to keep all that helped to make the thing go, to add what was lacking, and set aside, utterly destroy, all that was bad or contrary to principle. Has this been done? No. Must we abandon hope of doing it? No. We must return to the principles of 'eighty-nine." "Crude democracy is absurd." "In all cases, even in the tiniest States, the people has everything to gain" by a thoroughgoing adoption of the representative principle. The individual citizen can claim no right to speak or act in the name of the people. Sieyès, says Boulay, "insisted on this point with special reference to those self-styled popular societies which usurped the right of speaking and petitioning in the people's name."

Next came two fundamental maxims. "No one should be invested with any public function save by the suffrages of those over whom that function is to be exercised," and "No functionary should be nominated by those upon whom his authority is to weigh." These were the principles on which, ten years before, he had based his doctrine of the lists of eligibility for administrative appointments. He now expanded that doctrine so as to cover legislative appointments, thus making the Government, as he put it, "always national and never local." This was one of the corner-stones of his whole structure.

A second was borrowed from the territorial part of his

scheme as it was before Napoleon's return. It contains merely his notes of criticisms passed by Sieyès on the Constitution of 1795. For Daunou's account of Sieyès' plans see below.

rejected scheme of 1789—the large commune or "communal arrondissement" of from thirty-six to forty square leagues. The arrondissement as he planned it was organised into an administrative unit by Napoleon, and so remains to this day, like the department, which was also Sieyès' handiwork.

It was reckoned that the number of qualified electors would be about six millions. Every "commune" was to make its list of persons eligible for the service of the State, containing one-tenth of its full citizens. The "communal list" for the whole of France would thus contain about 600,000 names. Repeating the process you got a departmental list of 60,000 and a national list of 6,000. From this last the "College of Conservators," a supreme regulative assembly, might, if it wished, reject one name in ten; so that the finished national list of men trusted both by people and government would contain from 5,400 to 6,000 names. Year by year all the lists were to be revised, so that no one whom the people had ceased to respect might ever slip into office. They would include every citizen who was both conspicuously fitted to exercise authority and thoroughly trusted by his neighbours. But while "trust was to come from below, authority was to come from above." In every case, that is to say, public functions were to be assigned to these sifted citizens by those above them in the hierarchy of government service. Did anyone ask how, under such a system, the national will was to be ascertained, Sieyès replied that a nation was an organised whole whose will was not ascertainable by the coarse arithmetic of the polling booth.

Legislative proposals were to be given the stamp of law by a great mute—and therefore, it was hoped, passionless—body with no rights of initiation, as in his scheme of 1795 and in Oceana. "The National Legislative Jury" was now its appropriate name, since its function was judicial, not creative. Four hundred was its full membership, and every year one hundred fresh legislative jurymen were to be picked out from the national list by the Conservators.

On one side of it—again as in the 1795 scheme—stood the Tribunate, a corporate popular opposition, guardian of the liberties of individual citizens against the powers of government. The Tribunes had the full right of proposing laws to the Jury. They formed a small body—there was to be only one Tribune for each department—and, as they might be expected to acquire valuable qualifications in the course of their work, they were re-eligible indefinitely; always provided that their names remained on the national list. Once again it was the Conservators who made the election.

Executive government was to be monarchical in form; monarchical as defined by Sieyès in 1791; that is to say, it was to culminate in an individual, "an electing authority embodying all the power requisite to communicate life and motion to the executive machine." This was the notorious Great Elector. The Great Elector would not govern; he would not even countersign the administrative acts of government, though laws would run in his name and treaties require his signature. But in him would be incorporate the national unity and the national splendour. With a civil list of five million francs, a palace, and a bodyguard, he was to welcome foreign ambassadors and stand for France on all ceremonial occasions. Apparently he was to hold office for life, though a constitutional deposition was provided for, and he was to be chosen—by the Conservators.

Below him, and holding office during his good pleasure, were two Consuls, one for peace and one for war. Each was to be assisted by a Council of State, a body of ministers to carry out his orders, and a small court of administrative justice for the trial of offences committed by his subordinates in their official capacity. Executive power in the narrow sense lay with the ministers, who, together with the Councillors of State and the Administrative Judges, were chosen by the Consuls from the national list and in turn chose their subordinates from the departmental and communal lists. Of the two Consuls,

the Consul for peace, or for the interior, would normally be by far the busier. He supervised all internal administration except that of the militia and the preparation of the lists of eligibility, matters that were under the special control of the Conservators. Sitting in Council, he drafted new laws and interpreted old ones for the guidance of his ministers. So did his military colleague. When laid before the Legislative Jury, their bills would have to meet the criticism of orators from the Tribunate. Here again we have the scheme of 1795, elaborated but not in principle altered.

Remain the Conservators. Their college was the censor of all other authorities, the ultimate power, the *primum mobile*. It did more and more responsible electing than the Great Elector himself. Sieyès defended its extraordinary powers by an ingenious argument. In the usual type of representative system, he maintained, each district imposes its nominees on the nation. Hence local rivalries and factions in place of a steady pursuance of national interest in the national Parliament. How much better in every case to have a central elective authority like the College, to choose among men whom the provinces trust those whom the nation needs. But election was only one of the Conservators' duties. Like the Jury of 1795, they were the guardians of the Constitution; and though they might only give constitutional interpretations on appeal, they were empowered to proceed of their own initiative against individuals who grew rank. This was the famous right of "absorption." If the Great Elector, a Consul, or indeed any citizen, proved dangerous to the State by his ambition or his popularity he was to be called to a seat among the Conservators, effectually and noiselessly ostracised with little outward loss of dignity. Vacant chairs in the College were to serve as silent reminders of absorption to those who spoke against the Constitution in their hearts.

The number of this wonderful Senate would fluctuate

between eighty and a hundred. A Conservator could hold no other post and he sat for life. Vacancies were filled by the members themselves from that national list which they revised. The salary was to be ample, for, as Boulay explains, Sieyès "was convinced of the importance of utilising for the benefit of the Revolution the influence of riches and pleasures, which hitherto had been almost always opposed to it." He wanted the salons to be on the right side. The College was to be the home of that Republican aristocracy of merit which he had dreamt of for years; just as the Perpetual Grand Council, for which John Milton pleaded in 1660, was to have been filled with the wisest and best of those true to the Good Old Cause. All Sieyès' Conservators were to be taken from the national list in the first instance, but no power could remove them. And it is obvious that a body which chose and could absorb the Elector, who chose the Consuls, who chose the Ministers, a body which filled the parliamentary assemblies and could absorb leaders of opposition, which revised the national list of eligibility and so could keep out of political life representatives of discontented minorities—that such a body contained all the elements of an oligarchy, into which even the hereditary principle could with no great difficulty have been introduced. Conceivably France might thus have ended her Revolution with a kind of Venetian Great Council instead of an Empire.

Sieyès told Boulay that he would draft "organic laws" for his Constitution when its principles were accepted. As this never happened it remained a mere framework. Characteristic of his pertinacity in opinion was his reply when asked for suggestions as to justice and a declaration of rights: he simply referred Boulay to his Declaration of 1789 and his *Aperçu d'une nouvelle organisation de la justice* of 1790.

The interim commissions of the Five Hundred and the Ancients chosen on the night of 19th—20th Brumaire had each appointed a small committee to consider the

Constitution. Besides Boulay of the Meurthe, Lucien Bonaparte, Cabanis and Daunou were the most prominent members of the committee from the Five Hundred. To these men Sieyès seems to have been rather unusually expansive. He gave some account of his plans to several of them during the ten days of intermittent collaboration with Boulay.[1] To these communications, or possibly to communications before the *coup d'état*, must be traced an alternative version of his scheme preserved by Daunou and by him confided to Mignet.[2] Years after the original notes were taken Daunou had rectified them as the result of a discussion with Sieyès himself. Their rather close resemblance to the plan of 1795[3] suggests that in their present form they contain either what Sieyès wanted before the *coup d'état* or what his later experience taught him ought to have been demanded at that time. They cannot be ranked with Boulay's narrative as evidence of his proposals in the latter part of Brumaire; but they show at least that some of the more grotesque features of those proposals were not part of his permanent mental stock.

In Daunou's version the names are slightly changed throughout; the Great Elector is the "Proclamateur Electeur," the College of Conservators the "Conservative Senate," and so on. The Elector's powers are widened. He appoints to all administrative and judicial posts, of course from the national lists. Moreover, there are no Consuls, their places being taken by ordinary ministers and a single Council of State, all chosen by the Elector, who is thus brought one stage nearer to actual govern-

[1] This comes from Boulay himself.

[2] *Hist. de la Rev.*, II., Ch. 14. See also Taillandier, *Daunou* (2nd ed.), p. 172.

[3] M. Vandal (*L'Avènement de Bonaparte*, I., 500, n.) thinks that they are simply the 1795 scheme. He says that there is no reference to any alternative in 1799. But the Prussian ambassador wrote on November 13th as if it was a matter of common knowledge that Sieyès had more than one plan, on some points at least. Bailleu, p. 347. In any case, this scheme is not the same as that sketched in 1795.

ment than in the official scheme. It looks very much as if the Consuls were inserted for tactical reasons; perhaps that Sieyès might have something to give up which he did not greatly value; perhaps to tempt Bonaparte with the military Consulship, or to find posts for prominent supporters. The relations of the Council of State to the Legislature and the Tribunate are not changed. But the members of the Legislature are elected indirectly by the nation, not chosen by the Conservators; and the Tribunate is composed automatically of the first hundred names on the national list, the names of those who have received the greatest number of votes. Membership in it is for life, subject to the nation's right of revising the list and the Senate's right of absorption. Membership of the Legislative Assembly is for ten years.

It is possible that these somewhat more democratic methods of appointment were those which Sieyès wished to introduce after his Constitution had been in working for a time. Or, and perhaps more likely, he may have been indifferent as to the machinery of election, provided that the Conservators remained the ultimate power in the State. And this they are in both versions. In Daunou's, as in Boulay's, they fill their own vacancies; they may absorb the Elector or anyone else; and when the Elector dies or is absorbed it is they who nominate his successor.

There is no difficulty in understanding Sieyès' reluctant exposition of his ideas to Boulay. His plan, the outcome of earlier meditation, was not well fitted to the personal situation as it had developed in Brumaire. It is possible that during the summer he had dreamed that he himself might become Great Elector; though it seems more probable that he would always have preferred to direct the policy of the Conservators from within, leaving to another the "monarchy" of his Republic. But now he knew that the first place in the State must go to Bonaparte. He may have hoped to tempt the General with the military Consulship. If so he soon found that

this was impracticable, and he probably realised from the first that the Electorship, as he conceived it, was not an office that Bonaparte would find attractive. Still, it might be possible to force it upon him with the assistance of his own parliamentary supporters. It was this rather hopeless task that he had to face within a fortnight of the *coup d'état*.

The constitutional discussions of November and early December were most irregular and unsatisfactory. For some time the committees were left to pick up as best they could the slow droppings of Sieyés' wisdom. Bonaparte's eighteen-hour days were hardly sufficient for the work he had to do, and he tired every man whom he touched. The Consuls had ministers to appoint and supervise, Jacobins to transport, the hostage law and the forced loan to abolish, money to find somehow; besides the whole oversight of a country full of disorder and engaged in a great war.[1] Above all this, Bonaparte must not merely keep close touch with the army, but must interview and master men of every rank and party; for, unlike Sieyès, he had no wish to be leader only of the Good Old Cause. As Sieyès suggestions became known, his colleague made time to wreck them. Their author tried to use his influence in the committees, but his chief friends there were swinging with the tide. Boulay told him that he and the General must agree on the main lines. So Talleyrand, the practised broker, arranged a constitutional interview; but it was not a success. Bonaparte said the Consuls would never agree: "one would want money and recruits for his armies, the other would not be willing to give them."[2] He made fun of the Great Elector. "How can you fancy," he said, "that a man with some talent and a little honour would be content with the rôle of a pig fattened on a few millions?" "Do you want to be a King?" asked Sieyès,

[1] See particularly Aulard, *Régistre du Consulat Provisoire*, and Vandal, *L'avènement de Bonaparte*, latter part of Vol. I.

[2] Boulay, p. 47.

and at that Bonaparte was furious.[1] He began to think of throwing Sieyès over altogether. Officious persons were ready with alternative proposals. Roederer suggested government by three Consuls; Boulay enlarged the functions of the "fatted pig" to make that rôle more attractive; while Daunou devised a compromise between Sieyès' scheme and the Constitution of 1795, for which he had himself been in large part responsible. This last was by far the most liberal and democratic of the various drafts. The committees were now got together to decide among the competing proposals, and Daunou's plan was taken as a working basis for discussion, a course to which Sieyès gave his consent.

About the end of November there was a second private conference of the powers, at which Bonaparte, Sieyès, Talleyrand and Roederer discussed the deep things of the Constitution, while Boulay gaped in admiration at "the most profound and most instructive political conversation that he had ever heard,"[2] "the memory of which always remained with him."[3] Sieyès this time "behaved with the most perfect moderation and propriety." He hardly realised as yet how far those whom he counted his supporters had drifted from him. Very soon he was to go about saying that "it was no longer his Constitution," and that he took no interest in it.[4] That was after Napoleon had finally shown his hand. Night after night, and far into the small hours of the morning, he kept the members of the two committees at work in his own rooms at the Luxembourg. He gave them all their orders. "Citizen Daunou take your pen and sit down there." Votes were taken, but Napoleon

[1] From Grouvelle's MS. in Vandal, I., 504. The other main authorities for these negotiations are Boulay, Roederer, *Œuvres*, III., 303—304, Las Cases *Memorial de Sainte Hélène*, p. 401, Gourgaud, *Memoirs*, p. 145, and Taillandier's *Daunou*, pp. 170 sqq.

[2] *Boulay de la Meurthe* (a life by his son, privately printed, 1868), p. 114.

[3] Boulay, *Théorie constitutionelle de Sieyès*, p. 57.
Sandoz Rollin, December 12th, *Bailleu*, p. 355.

drove the tired committeemen at his own pace and whither he pleased.

The Constitution that resulted—it was ready by December 13th—was most certainly not Sieyès' work. In place of the Great Elector there now appeared a First Consul, who was to hold office for ten years, advised and served by ministers and a Council of State. Two other Consuls were to consult with him and share his work, but not his authority. "The First Consul promulgates laws; he appoints and dismisses the members of the Council of State, the ministers, the ambassadors . . . naval and military officers, and the local administrative officials . . . he appoints all the judges except the justices of the peace and the judges of appeal."[1] The lists of eligibility were adopted, but they were to be revised every three years—instead of every year—and the Consul might go outside them in the case of military and diplomatic appointments. Even the triennial revision was not real; no one could be thrown off the lists; the electors had merely the right to fill vacancies. And thus, although the suffrage was universal, the democratic element in the Constitution was hardly discernible. From Sieyès were borrowed a "Conservative Senate," a Legislative Assembly and a Tribunate. The Senate retained its right of selecting the members of the two other bodies; also it chose the Consuls and acted as a court of constitutional appeal. But it could not absorb, and whenever a vacancy occurred in its ranks it was bound to choose one of three candidates nominated by the First Consul, the Legislature and the Tribunate. Great as its nominal powers remained, these regulations constituted a serious inroad on its omnipotence. The Tribunate also had its functions curtailed: the right of initiating law was confined to the Council of State, and the Tribunes became an opposition pure and simple, not positive exponents of popular needs in laws of their own devising.

[1] Articles 41 and 42.

Sieyès could have been a Consul under the new scheme had he wished it. Long afterwards Napoleon regretted that he was not, for "he might have been exceedingly useful in council, better perhaps than the others, because at times he had new and very luminous ideas."[1] But he refused to serve as adviser to his successful rival. As soon as Bonaparte had rejected the Great Elector, Sieyès commissioned Roederer to tell the General that he desired merely a place in the Senate. Napoleon therefore arranged the consulate to suit himself, taking as colleagues Cambacérès and Lebrun. But for form's sake the Provisional Consuls and the Commissions must confirm the choice. It was first decided to proceed by ballot; but when the votes had been cast Napoleon suddenly swept up the papers and said: "No; let Citizen Sieyès nominate the Consuls." He wished, it would seem, to avoid possible adverse votes and at the same time to fasten honour and responsibility on Sieyès, who proceeded to make the proper nomination.[2] It was arranged that Sieyès and Roger-Ducos should take the first two places in the Senate, the Abbé becoming President.

No special provision had been made in Sieyès' plan for the first appointments; but it is not likely that he intended to wait until the machinery of the lists was in working order. He now accepted arrangements by which the new Consuls and the first two members of the Senate were named in the constitutional document (Arts. 24 and 39), and the task of selecting a majority of the new Senate was entrusted, also by the Constitution, to himself, Ducos, Cambacérès and Lebrun. The nominated majority was to fill its ranks by co-option. Napoleon kept clear of all this business designedly, and in consequence Sieyès, as the most influential man on the nominating committee and subsequently as President of the Senate which chose the

[1] Las Cases *Mémorial de Sainte Hélène*, p. 402.

[2] This story, told in a distorted form by La Revellière (II., 420) who says that Sieyès wanted to be Consul himself, is confirmed by the MS. Mémoirs of Cambacérès. Vandal, I., 523.

Legislature and the Tribunate, was to a great extent responsible for all the new appointments. As might have been expected, he made his selection—especially for the Senate—among men of intellectual distinction and revolutionary antecedents. In the end about half the members of the Ancients and the Five Hundred found themselves in legislative office under the Consulate. When it is remembered that these perpetuated legislators had, in a number of cases, only secured their seats in the Councils of the Directory through the "law of the two-thirds," passed by the dying Convention, so that they were now taking for a second time representative authority which the nation had not given them, it is easy to appreciate the weary litany of a Paris newspaper—"from the eternal Convention-men, Good Lord deliver us."[1] Bonaparte's friends could now contrast the catholicity of his appointments with the sectarian narrowness of the "men of 'eighty-nine."

Before the assemblies were chosen the Constitution had been submitted to a popular vote; but by a special decree of the Provisional Consuls it came into force on Christmas Day, 1799, when the bulk of the people had not yet voted. So the revolution of Brumaire maintained its character to the end.

With the new year, the great year of the Consulate, the year of Marengo and Hohenlinden, of the return of the emigrants and the pacification of La Vendée, Sieyès sank into the shadows from which he never emerged. All the circumstances of his exit from power tended to increase his unpopularity. It was believed that he had been responsible for the consular edict of 20th Brumaire, by which thirty-four leading Jacobins were condemned to transportation.[2] The decree was repealed a fortnight later; but Bonaparte secured the credit of clemency, leaving to Sieyès the odium of intolerance and revenge.

[1] Quoted in Vandal, II., 32.

[2] Gohier, II., 123; Jourdan, *Notice sur le* 18 *Brumaire* (*Carnet historique*, 1901); Tissot, *Hist. de la Rév.*, VI., 443; Vandal, I., 425 sqq.

Those who had been persuaded or duped into becoming Sieyès' accomplices in Brumaire and were disappointed with the result, found it easy to fasten all the blame upon him. A story was going about Paris to the effect that he had appropriated, with Napoleon's consent, a considerable sum of money which the Directors had laid aside to provide for themselves pensions when their terms of office ended. It is still doubtful whether the story was true; if it was true, a case could be made out for Sieyès' alleged conduct; but true or false, it damaged his reputation.[1] And, unfortunately for him, it was not the only story of the kind.

On December 20th, at a meeting of the Provisional Consulate, just before its term of office expired, Bonaparte being in the chair, the Consuls "addressed to the Legislative Commission of the Five Hundred a message containing the proposal to give the citizen Sieyès, by way of national recompense, and in recognition of the fact that he had enlightened the nations by his writings and honoured the Revolution by his disinterested virtues, one of the domains that are at the disposal of the State."[2] The Commissions agreed at once, and Sieyès was offered the estate of Crosne in addition to his considerable stipend as Senator. At a time when government could not pay its debts, the affair seemed so scandalous and so incredible—for Sieyès had never been reckoned self-seeking in the vulgar way—that rumour credited Bonaparte with a skilfully laid plot to

[1] It was first printed by Las Cases *Mémorial de Sainte Hélène* (1823). Sieyès, then an exile in Brussels, sent an indignant and seemingly honest letter of denial and some official documents to Roederer, to refute the charge (Roederer, *Œuvres*, IV., 205). But the documents have not been printed. Gohier (II., 5) says he had the story from Ducos, who shared the plunder. La Revellière (II., 430) says there was no such fund. Barras (IV., 118) says there was, and that Sieyès got it. Mignet, in his appreciation of Sieyès at the time of his death (*Notices et Mémoires Historiques, Sieyès*) said "authentic documents proved that the Consuls had put these funds to other uses." I am disposed to acquit Sieyès.

[2] Aulard, *Régistre du Consulat Provisoire*, p. 100.

ruin his colleague. As a doggerel rhyme current in Paris put it—

"Sieyès à Bonaparte a fait présent du trône,
Sous un pompeux débris croyant l'ensevelir;
Bonaparte à Sieyès a fait présent de Crosne
Pour le payer et l'avilir."[1]

But gradually the interpretation less favourable to Sieyès prevailed, and a story told by the Prussian ambassador before the end of January marks the depth of his unpopularity. "People are talking of an interview that he has had . . . with the First Consul. . . . 'Ruined as you are,' said Bonaparte to him, 'in the eyes of all parties I shall soon be your sole defender.'"[2]

If Bonaparte really said this it may have been in part punishment for certain signs of insubordination that Sieyès had given a few weeks earlier. Naturally he was in touch with many people of importance who disliked the turn that affairs were taking under the First Consul's rule, among them Madame de Staël and Benjamin Constant. It seems that at the end of the first week in January he was given a hint that his presence in Paris was inconvenient. For a few days he disappeared into the country, and everyone fell to guessing where he was and why he had gone. Was he arrested? What did the General mean to do with him? They made Latin puns about him—*Si es, ubi es?*—and at last the cackle became so loud that his absence had to be officially explained in the *Moniteur*, and then terminated. After that the First Consul made friends with him again in a patronising way, telling his associates that Sieyès was an oddity "with a bad circulation," but that he was moving in the right direction for all that.[3]

Crosne, which was valued at some £20,000, never came

[1] Pasquier, *Memoirs*, I., 147.

[2] Sandoz Rollin, January 23rd, 1800, Bailleu, p. 364.

[3] For the absence from Paris and its probable cause, see Vandal, II., 59—64. There is some doubt about the cause. Sandoz Rollin thought the retirement was quite voluntary; despatches of January 9th and January 16th. The story of the "bad circulation" is in his despatch of February 2nd. Bailleu, pp. 362—364.

into Sieyès' hands. Difficulties arose: the government found that it was not at the moment available. So in April he exchanged it for the farm of the *Ménagerie* at Versailles and a couple of houses, the property of government, in Paris. From the income thus provided he should have been able to set that example of sober magnificence which was to justify the endowment of a new aristocracy of merit.[1] And his family could share in the splendour; for just at this time a judgeship in the Court of Cassation was found for his lawyer brother, who thereupon settled permanently in Paris, where he died thirty years later.[2]

Soon after Emmanuel came into the quiet enjoyment of his "national recompense," Napoleon—on May 6th—left the foundations that he had laid, to post, as he only could, towards the Great St. Bernard and the field of Marengo. Government business went on smoothly in his absence, but those responsible for it had to prepare for accidents in the field, and many of them were not unwilling to face the risk of a vacancy among the Consuls. There were gatherings, which included Sieyès, in Talleyrand's house at Auteuil, discussions of hereditary possibilities among the Bonaparte brothers, and suggestions for constitutional improvement thrown out at the commemorative monthly dinner parties, that had been held since November, 1799, by the parliamentary "Brumarians." Spies thought that Orleanism might be smelt at Auteuil; but the only certain fact is that the names of Carnot, who was now back at the Ministry of War, and of Lafayette were put forward as possible First Consuls. "I do not know whether the high priest made up his mind in favour of either," was all that a confidential agent could report to Napoleon's secretary of Sieyès' share in the business.[3]

[1] The papers relating to Sieyès' grant are in the *Archives Nationales*, A.D. XVIII., a. 63, A.F., IV., 68, and IV., 953.

[2] Teissier, *Les députés de la Provence à l'assemblée nationale*, p. 115. The appointment is dated April 1st, 1800.

[3] Much the best account of these obscure doings is in Vandal, II., 939 sqq. The remark about Sieyès is in Bourrienne.

The news of Marengo stopped the Auteuil meetings. Early in July Napoleon hurried back to Paris to get his hand again on the levers of the machine of state. He took an opportunity one day of putting to Sieyès a hypothetical question about the fitness of Carnot for high office, but the Abbé countered with perfect success and there the incident closed.[1] From this time forward the two men saw less and less of one another. Now and again, in the early days, Napoleon thought it worth while to find out through Roederer Sieyès' opinion on some matter of importance;[2] but every year made him less willing to listen to the kind of opinions that Sieyès was most likely to give, and there was no political necessity for doing so. Sieyès continued to associate with old republicans like Carnot, Grégoire and Garat; for a time he gave suggestions to the constitutional opposition in the Tribunate; but he had no popularity, and he soon lost his hold on the Senate. Cambacérès, whose special business it became under the Empire to manage senators, had begun that work with success even before the establishment of the consulate for life in 1802.[3] Indeed the life appointment was the result of his management.

Napoleon had soon found even the Constitution of 1799 far too liberal. When the Tribunate, during the course of 1801, exercised its constitutional rights, in opposing a law against "anarchists" and advising the Legislature to reject certain sections of the new Civil Code, he meditated another *coup d'état*. But Cambacérès found a better way. The first partial renewals of the Tribunate and Legislature were due in January, 1802; and the second Consul induced the Senate to nominate those who were to go out as well as those who were to come in. In this way Constant, Chénier and Daunou—among others—were removed from political life. After the treaty of Amiens the Assemblies were advised that a First Consul who had

[1] The story is from Grouvelle's MS. Vandal, II., 441.
[2] Roederer, III., 333, 353.
[3] Vialles, *Cambacérès*, p. 242.

given France peace deserved further rewards. The Tribunes would not take Cambacérès' hint, and the Senators merely offered another ten years' lease of office (May 8th). It was the last effort of Sieyès and his friends. The Consul's party at once organised a plebiscite on the question, which they had no right to put,—Is Napoleon Bonaparte to be made Consul for life? Cowed by the overwhelming cry of the people for Napoleon and, on the day of one of the most critical votes, by grenadiers posted about the Luxembourg, the Senate welcomed the decision, violated the Constitution, and gave itself over to the First Consul. Henceforward he was to appoint new Senators; he was, in effect, to nominate his fellow Consuls and his own successor; from him and his Council came the Senatus Consulta which might now interpret or suspend the Constitution, dissolve the chambers, and override the verdicts of the Courts.

Two years later came the Empire—at the request of the Senate. Sieyès, with Grégoire, was among the handful of those who voted against the original proposal; but on the day of the final vote he stayed away, leaving to five others the distinction of recording their opinion that Napoleon Bonaparte should not receive the title Emperor of the French.

He served in the Senate to the end and he accepted the dignities and titles of the new order. He could not well do otherwise. He was a member of the Institute and an Officer of the Legion of Honour. At times he went in the train of his master on great occasions of ceremony. In 1813 he became a Grand Cross of the Order of Réunion. Five years earlier, just after his sixtieth birthday, the author of the Essay on Privilege had received the title of Count "transmissible to his direct descendants, whether legitimate, natural or adoptive, from male to male, by order of primogeniture," and the right to a coat of arms that contained "a head of Boreas blowing silver," with livery of blue, white and green; "for such," said the patent of nobility over Napoleon's signature, "is our good

pleasure." All this may have been inevitable; yet need Sieyès have accepted bread and lodging for his own relations from the Emperor? He did. In July, 1809, a few days after Wagram, an order was signed "at our imperial camp of Schönbrunn" by which Augustine Sieyès and Marie Félicité Eulalie Sieyès, nieces of Count Sieyès and of M. Sieyès, member of the Court of Cassation, were nominated "*elèves pensionnaires de l'institut des maisons impériales napoléon*," while other young ladies were only admitted "*à demi pension.*" It recalls an attack in the Essay on institutions for the free education of "poor privileged persons of both sexes," who should have been left to work for their living.

Though Sieyès has no place in the life-history of the Empire, he appears for a moment in 1814 and again in 1815. On April 2nd, 1814, when the Czar was already Talleyrand's guest in Paris, the Senate that for ten years had registered Napoleon's orders now registered his fall. Sieyès was absent again, but he wrote a few lines approving of what had been done[1] and he associated himself with the policy of accepting Louis XVIII. on constitutional terms. Louis found himself strong enough to arrange his own terms, but even the charter that he granted was nearer to Sieyès' ideals than the system of his accomplice in Brumaire. Yet he could never be easy under a Bourbon. The Government turned him out of the Institute and watched him. He did not scheme for Napoleon's return: that no one did; but at least he was aware of Fouché's plot—one of Fouché's plots—among the troops in the north to set up Napoleon II. with a regent.[2] When the true Napoleon landed from Elba, Sieyès was one of those whom the Minister of Police was ordered to arrest.[3] The order was never executed, but its issue stimulated Sieyès to work as he had not worked for years, not exactly for Napoleon,

[1] His letter is printed in Buchez et Roux, *Hist. Parl.*, XXXIX., 520.
[2] Fouché, II., 304. Fournier, *Napoleon*, II., 95.
[3] Bourrienne, X., 276.

but for the Revolution and against the Bourbons and their "barbarian" allies.

Like Carnot, who also rejoined the imperial colours, he anticipated a second catastrophe, yet supported the cause that could hardly win. Probably he put little faith in the constitutional promises of the Hundred Days. "What can you rely on with this man who is always revolutionising himself," he said to Barère, while watching from the terrace of the Tuileries a grand review on the Place du Carrousel.[1] But he accepted a place in Napoleon's new House of Peers, and at the start of the 1815 campaign "old Sieyès" was one of the very few Peers who showed what an ardent Bonapartist soldier counted a proper fighting spirit.[2] When Waterloo had been fought and lost he was still eager to see the war continued. He told Joseph Bonaparte that all must stand shoulder to shoulder and "drive out the barbarians": when that was done it would be time enough to exact fresh guarantees of liberty from Napoleon. But the liberal deputies of the Lower House, headed by Lafayette, with all the traitors and time-servers under Fouché, would have no more of Napoleon; and when they had settled their quarrel with him, Blucher's barbarians were at the gates, Joseph was making for Bordeaux and America, and Louis XVIII. was lumbering back towards Paris under the care of the Duke of Wellington.

For six months after the second restoration Sieyès stayed in Paris. Perhaps it was the beginning of royalist revenge, with the execution of Ney in December, that finally decided him to go into exile. Like other regicides who had not been formally reconciled to the Bourbons, he was "amnestied" but not safe. Late in January, 1816, he arrived at Brussels, the headquarters of the new emigration, and began his fifteen years of exile. Most of his surviving colleagues from the Convention were there already. He rented a quiet house in the Rue de l'Orangerie and some property in the neighbourhood of Namur. After a time

[1] Barère, IV., 234.
[2] Lavalette, II., 190.

he was joined by one of his nieces and by a nephew, the heir to his title, both children of his brother Lèonce.[1]

During the early days of his exile he kept up intercourse with the more congenial among his countrymen, Thibaudeau, Ramel, David, Cambacérès and a few more. With David he seems to have become really intimate, and the painter's death in 1825 left him lonely and friendless. Other survivors were kept from him by the memory of old feuds; but it should be remembered to his credit that some even of these shared in the gifts which he and the richer emigrants made to those whose circumstances were straitened. As years and infirmity increased he withdrew more and more from all society but that of his own household. He was no longer seen taking his daily walk in the park, "a small, thin, thoughtful man with grey hair, a grave smile, and courteous manner," carrying his stick "held out from both his hands crossed behind him."[2] He could neither read nor write any more, and his life must have been sad enough. "I no longer see, I no longer hear, I no longer remember, I no longer speak; I am become entirely negative," was his dreary comment some years later on his own physical and mental prostration. But now and then the mind stirred, and some characteristic saying broke from him. He was pressed to dictate memoirs like everyone else. "Cui bono," was the reply; "our work is great enough to need no commentary. Our acts will teach those who care to understand our thoughts, and all our warnings would not save from our errors successors who will only earn our wisdom at the price of misfortunes like ours."[3]

The Revolution of 1830 opened France to him again. Broken though he was, the old man of eighty-two came

[1] For his life at Brussels see Barère, IV., 435 (with the usual reservation); Baudot, *Notes sur la Convention*, p. 291; Welvert, *Les . . . Régicides apres la Rév.* in *La Revue Historique*, 1897; Neton, *Sieyès*, pp. 445 sqq. Brougham met him in 1817 and was most unfavourably impressed. *Statesmen of the French Revn., Sieyès.*

[2] *Mémoirs of a Highland Lady*, p. 356.

[3] Sainte Beuve.

to Paris without delay and took a house in the Faubourg St. Honoré. He was at the coronation of Louis Philippe, and there may be those still living who remember him. Visitors saw him now and then, and it was after these visits that the few recorded sayings of his old age were noted down. But for the most part he lived isolated and alone, "seeming to take no more interest in the events that were happening under his eyes." "Asked what he thought of parliamentary government as constituted and practised since 1830, he replied: 'They talk too much and don't act enough.'"[1] Had he told anyone, as Carlyle hoped he might, how he looked out "on all that Constitution masonry through the rheumy soberness of extreme age," no one can doubt that it would have been "still with the same irrefragable transcendentalism"; for to him the great work needed no commentary.

He died on June 20th, 1836. There were no religious rites at his funeral, as was fitting, but they praised him over his grave. A plain little classical structure, a sort of shrine, marks the spot in Père Lachaise. Another generation has placed in the shrine symbols of the religion that he rejected and the Church that he despised. No public monument has ever been built to his memory, and no party in France looks back on his career with pride.

That is as it should be, in spite of the many marks of Sieyès' hand on both the temporary and the permanent structures of the Revolution. An enemy of all old faiths and old allegiances; a "man of 'eighty-nine," yet without the youth and generosity which ennobled the revolutionary dawn; a man of 'ninety-three who did not share the murky glory of the national defence, and a Bonapartist in spite of himself—there is little in his career to stir party loyalty. As a thinker he had many of the defects of his time and of his people. The folly and the consequences of his failure to grasp the place of ignorance, passion, and above all tradition in political affairs need no emphasis. His

[1] Boulay de la Meurthe (Life), pp. 388—389.

theory of human nature led him to suppose that, in a society properly rearranged, those evil things could be rapidly neutralised or overcome; but it did not tell him how to handle the generation that had grown up under their control. So he became increasingly bitter and cynical; for although he knew that he was right, he did not see how and when his truth would prevail. Yet of all the revolutionary thinkers he was the most acute and the most original. Lord Brougham has left it on record that Talleyrand and Carnot—two unusually well-placed witnesses—agreed that Sieyès was "le véritable homme du siècle"; and the opinion has been shared by representative students of political science both friendly and hostile to revolutionary thought.[1]

His "metaphysics" were sneered at even in his own day, and among men accustomed to discuss politics in philosophic terms, just as Englishmen in the seventeenth century were accustomed to blend politics with theology. That the later nineteenth century, radically distrustful of abstract politics, should echo the sneer was most natural. Yet he did not always talk "metaphysics." At times he was needlessly and arrogantly abstract; but he was master of a most trenchant concrete style, and his abstractions were in the main connected with those discussions of principle which were of the essence of the Revolution. For, from the side of thought, the Revolution was an attempt to ascertain and apply rational principles of "the social art"; and, in spite of Carlyle, its political doctrine was something more than "a theory of irregular verbs."

Sieyès, as we know, used to boast that before the Revolution his thought had gone beyond that of his

[1] Brougham's *Statesmen* (as above). According to Legaré, *Writings*, p. 136, Brougham had heard this opinion from Cambacérès and Roederer also. See Acton, *Lectures on the French Revolution* p. 162. Haller, *Restauration der Staatswissenschaft*, p. 67 sqq. Bluntschli, *Geschichte des Staatsrechts*, p. 323 sqq. Haller points out how distinct even Sieyès' style and terminology are from those of most revolutionary writers. Bluntschli regarded him as the "reinster und klarster Ausdruck in der Wissenschaft" of the Revolution.

contemporaries. It had, whether for better or for worse, and the fact helps to explain its unpopularity. So do those distortions of his thought for which he was himself responsible. His doctrine would have been sneered at less had it been democratic in either of the most familiar senses of the term. But he loathed the direct democracy of Rousseau and of many of his own friends; he loathed all its corollaries; and he also rejected with angry iteration the latent assumptions of much crude indirect democracy, that representation is a *pis aller*, that only heads deserve to be counted, and that every head is as good as another. Like a nineteenth-century radical he held that the right of voting attaches to persons, not to property. (Incidentally this lost him the support of much philosophic opinion of Voltaire's school.[1]) True, he created the passive citizen; but in his more hopeful days he expected that every upright citizen would shortly become active. And no active citizen had more than one vote. Yet, like an eighteenth-century Whig, he believed in the representation of "interests"; not, however, the interests of individuals, but the great impersonal public interests of departmental territory and departmental wealth. Thin though its population might be, the department as he first conceived it—a corporate personality—was to be represented, like the State in the American Senate. Through his subtle system of indirect election, while the interest was represented, no individual was to feel that he had greater power than another as the direct result of his greater wealth. And if Sieyès' elective system seems over-subtle, it may at least be remembered that here he was for once recognising tradition, grafting his own principles on the old stock of indirect election as employed for the States General. He was providing for a single supreme chamber, and he attempted to blend with the crude representation of numbers, which has since his time been generally adopted for Lower Houses, first, some representation of organised local life such as is now often

[1] Above, p. 26.

found in Senates and Upper Chambers, and, second, some representation of local material resources as gauged by tax-paying capacity.

Consider again his doctrine of "monarchy," or his method for securing the advantages of two-chamber government without senatorial or royal veto. Neither was familiar, and so both were unpopular and more or less unstatesmanlike. But the one has justified itself already, and the other may well do so in the future. For a century the world has made merry over the Great Elector. An unsuitable appointment for General Bonaparte no doubt, as Sieyès probably knew. But that ceremonial headship, that well-salaried embodiment of the national unity, is very near in essentials to the Presidency of the Third French Republic. And if Sieyès could have induced a Bourbon Prince to accept constitutional monarchy, not, it is true, as understood by George III., but as practised by George V., there can be little doubt that he would have pocketed his objections to heredity. That Napoleon might have applied farmyard metaphors to both King George and M. Fallières is beside the point.

Sieyès' neglect of history, of growth, of time was properly rewarded by the breaking in his own hands of schemes for government which, like the ceremonial headship, have since borne the strain of practice. Hitherto no nation has tested that peculiar form of single-chamber government which he proposed in his best days, with its indirect election, its representation of "interests," its partial renewals yearly, and its great permanent committees to ensure thorough and sober discussion; but there is no reason to suppose that such an assembly might not work.[1] The "Harringtonian" Parliament of his later schemes is more ingenious, less statesmanlike, and much less hopeful; though it would not be fair to say that it was tested and found wanting under the Consulate.

He himself maintained that most of the changes in his thought were merely formal, and he would have denied

[1] Perhaps an English Town Council is the nearest parallel.

bitterly that there was any distortion. The Harringtonian Parliament of 1795 he would have justified somewhat in this way: he had never conceived of Parliament as a place where men reported and upheld the opinions of certain groups of electors. It was a place for the performance of the highest national functions. If those functions could be performed with a minimum of friction by a dumb Legislature, a Tribunate and a "Government," there was no breach of principle.

No doubt he would have allowed that his proposals for settling constitutional questions were changed in more than form. In his first plan he does not get beyond the idea of a Convention summoned at periodic intervals. Provided the interval was reasonably long—it will be remembered that he suggested a whole generation[1]—the plan is probably an improvement on the existing system for amending the Constitution of the United States. But it did not satisfy Sieyès when he had been schooled by the Revolution. While the Great Convention extended its authority, he was brooding over alternative expedients. Perhaps he turned again to Harrington. If so he would find in *The Humble Petition of divers well-affected Persons* a proposal for a small body of twelve faithful men, with authority to arrest and condemn persons who suggested any tampering with fundamental law; and if he knew Ludlow's *Memoirs*, or any history founded on them, he would learn that these people were to be called *Conservators of Liberty*.[2] But even supposing that he took hints from Harrington, he remains the inventor of the Constitutional Jury and its triple function—the guardianship of the Constitution, the fabrication of constitutional amendments, and the care of a reserve fund of equity.[3]

[1] Above, p. 76.

[2] One of Harrington's school, Henry Stubbe, in a *Letter to an Officer of the Army concerning a Select Senate*, "seems to make the Conservators of Liberty and the Senate the same persons." Firth, *The House of Lords during the Civil War*, p. 267, n. This is what Sieyès did in 1799, but it can hardly be a case of borrowing.

[3] Above, pp. 171—172. There are points of contact between his Jury and the U. S. Supreme Court. But the Court had not developed its

Whether there is a need or a place for any such body in modern representative government remains doubtful. As outlined in 1795 it was already potentially too strong for a balanced constitution. Between 1795 and 1799 he piled upon his Jury all the miscellaneous attributes of the College of Conservators, and its true functions were almost lost in the mass of its omnipotence. The choice of law-makers by the College, its discretion being only limited by the national list, involved a distortion of his doctrine of representative legislation which made it almost unrecognisable. But he was ready with arguments extracted from his old principles. "The question is," he said in effect, "how to get the best law-makers. Ten years ago the people were to choose electors, the electors other electors, and so at last a body of picked men was built up. I now create a great committee of the wisest in the nation to do the work of choosing. But it can only choose among a group of trusted 'eligibles' not much more numerous than the electors of my original scheme. Here once more there is no change of principle. The doctrine of representation is not in danger."

In fact the doctrine had been stretched to breaking point, and Sieyès suffered for his share in stretching it. A few years later came the Napoleonic plébiscite, borrowed from direct democracy to establish hereditary despotism—a combination of the two things that Sieyès most of all hated, which has been defended by an appeal to the representative principle: Napoleon, the chosen of the people, was the representative of all France.

But though Sieyès himself distorted it, his theory of representative legislation has proved, as he would have wished, the most durable part of his system. Hereditary influence on law-making has steadily lost ground. The referendum and other corollaries of the direct democratic theory have made much progress, but are still far from any general application in great States. There is more of

special relation to the Constitution in 1795, and there is no reason to suppose that Sieyès was in any way indebted to America.

Sieyès than of either Rousseau or Burke in the legislative methods of the modern world. As against direct democracy, his general theory of representation received unexpected support in the nineteenth century from the very prosaic history of English Trade Unionism. "Government by such contrivances as rotation of office, the mass meeting, the referendum and initiative, or the delegate restricted by his imperative mandate, leads straight either to inefficiency and disintegration or to the uncontrolled domination of a personal dictator or an expert bureaucracy. Dimly and almost unconsciously this conclusion has, after a whole century of experiment, forced itself upon the more advanced trades."[1] Sieyès might have taught them these still imperfectly learnt lessons.

The part which the then immature cabinet system of England was to play in "representative administration" he neither appreciated nor understood. Like the makers of the American Constitution he failed to foresee how the "king's servants" in Parliament, who were largely hereditary legislators, might produce in other countries and eventually perhaps in England herself a body of elected masters of administration. But as, even to-day, an English minister need never have been elected, Sieyès cannot be blamed. It can hardly be doubted that his "lists of eligibility" would have led to partisan administration and the spoils system; but, given security of tenure, the danger might perhaps have been averted. In this case it was the party machine that he failed to anticipate. The general doctrine of elective control over local administration, which he shared with most of his French contemporaries, was derided by many contemporaries in England. Just before he died it was supplied systematically to English municipal government and the control of the poor law. Fifty years after his death it was extended to county government; then to parish government. In the interval it had been applied to education. Elsewhere the principle has made more or

[1] S. and B. Webb, *Industrial Democracy* (1898), p. 36.

less rapid progress according to circumstances and historical conditions, but in no case has it lost ground.

Even "representative justice," which, in its modern form, has passed—as we think—a rather unwholesome youth in Revolutionary France, the United States, and elsewhere, may yet develop a clean manhood. But it is not necessary in upholding the acuteness and originality of Sieyès' thought to prove that it was in every case prophetic.

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